

FOIL Access Court Accountability

THE QUEST TO GET ASSESSMENT DATA FROM THE TOWN OF EVANS, NY IN MICROSOFT EXCEL FORMAT



The liberties of people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them.

Patrick Henry

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OPENING STATEMENT

Why It Is Important To Make Assessment Data Available To The Public In Microsoft Excel Format

by Edward G. Schneider III

I have obtained the Town of Evans assessment data in Microsoft Excel since 2007. In 2019, I sent an email to the town's assessor requesting the 2019 assessment data in Excel Format. The assessor would create the file and send it to me via an email attachment. After receiving my email, the assessor exported the file and sent me the file as an email attachment 4 days later!

In 2020, Evans Supervisor Mary Hosler changed past town policy, without town board approval, and required a Freedom Of Information Law (FOIL) request for the data. Then, the Town of Evans denied all requests every year going forward. Mary Hosler, the town's FOIL Appeal Officer, denied all appeals for the data.

Mary Hosler even ignored an email from the NYS Committee On Open Government (COOG) stating town should provide the data in the requested format. In 2020, the town claimed that it could not export the data. They even hired "experts" who said the data could not be exported to Excel Format. It is interesting to note that a FOIL request to the adjoining Town of Hamburg, NY, resulted in their town's assessor sending me via email attachment, their town's assessment data in Excel Format!

Below, beginning in 2018, are my quests to obtain the Town of Evans assessment data in Microsoft Excel format.

It is important to note that Town of Evans Supervisor Mary Hosler's controversial FOIL policies even required the town's council persons, while acting as duly elected representatives, to FOIL documents through HER OFFICE and not the town's FOIL Officer.

This document also illustrates how the 2008 town-wide reassessment was used to benefit family & friends and send a message to those considered "adversarial" to those running the town.

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1 Introduction

In 2005, I attended a meeting that included the supervisor from an adjoining town. The supervisor joked that his town could not afford to hold parties as did the Town of Evans. He was referring to spending at the Association of Towns convention in NYC. As word spread around town, Major Robert Doering, US Army Ret. started researching state law. He found that residents had rights under state law as "freeholders". Doering, via print ads in the local pennysaver, recruited 35 residents to join a legal action vs the Town of Evans. The court ruled against the "freeholders" on what we felt was an improper application of the statute of limitations. The "freeholders" planned to appeal the decision but the sudden death of Bob Doering did not allow the appeal to move forward. As fate would have it, the judge resigned from office a few months later for improper and unethical behavior. [[Click Here](#)]

In 2007, the Town of Evans announced a town-wide re-assessment. Living in the Town of Evans all my life, I knew re-assessment would have winners and losers. The local politicians, their families, and their friends would be the winners. The losers would be the "freeholders" and any one else labeled a "troublemaker". I would argue that this is not an allegation but a fact of life in the Town of Evans. [[Jump To Ed Conboy Letter](#)]

What I suspected would be unfounded allegations without solid proof. Analyzing 5,000 plus properties using paper documents would be tedious and very time consuming. One of my career hats is that of a computer programmer. After doing some research, I discovered that the assessment data was available for the Town of Evans exported as a Microsoft Excel File. I knew that if I had the 2007 assessment data, the 2008 tentative assessment data, and the 2008 final assessment data, that I could easily write a program to look for winners and losers.

Assessments are used to determine how much you pay in property and school taxes. In the 2008 Town of Evans reassessment, if your assessment doubled, your taxes were almost the same. If your assessment increase was less than double, you paid less taxes. If your assessment increased by more than double, your taxes increased.

Using the three (3) data sets in Microsoft Excel format, I easily calculated winners and losers. To no surprise, town officials, their families and friends were winners while the "freeholders" and other town "troublemakers" were the losers.

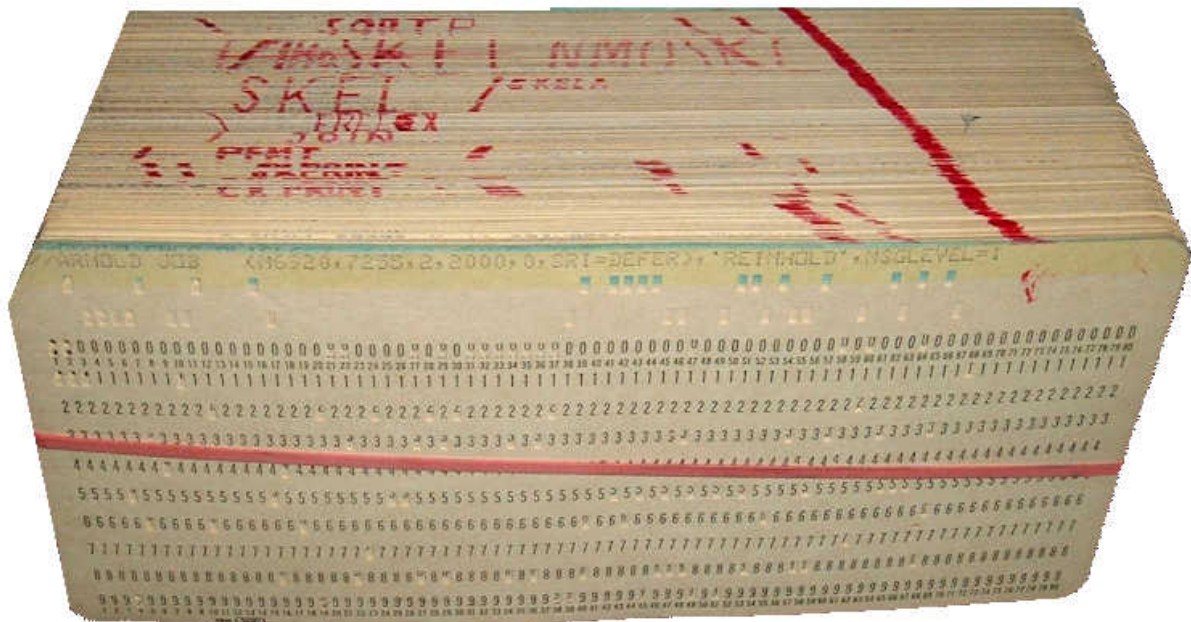
Below are a few examples of winners and losers.

2 This Document In PDF Format

[[Click Here](#)] To Download This Document In PDF Format.

3 Card Deck

While in college in the 1970's, before monitors, mice and IBM keyboards, I learned to program computers using card decks. If you can stream your TV shows, a computer being programmed with a card deck is featured in the intro to the TV show Manix season #1.



4 Atari 800

In 1980, I programmed games for the Atari 800 which were sold commercially. The Atari 800 was more powerful than the mini computer I programmed in college!



5 Judge Makowski Resigns

State questions conduct of justice

Makowski affidavit in DWI case is focus

By ROBERT J. MCCARTHY
and GENE WARNER

NEWS STAFF REPORTERS

Investigators for the state Commission on Judicial Conduct have begun asking questions about the actions of a State Supreme Court justice who signed an affidavit on behalf of a prominent lawyer charged with drunken driving Sept. 2.

Commission members have been asking people involved in the case about the affidavit Justice Joseph G. Makowski signed, following the DWI arrest of former prosecutor Anne E. Adams, according to multiple sources.

The commission is expected to decide later this month whether to launch a full investigation into the matter, sources added.

The commission has jurisdiction over 3,400 judges and justices of the state Unified Court System. It investigates about 1,500 complaints per year and recommends a wide range of actions against those jurists found guilty of misconduct through formal hearings.

Makowski declined to comment Friday.

The judge filed the affidavit as a witness, after having been with Adams up to roughly half an hour before her arrest. In his affidavit, filed Sept. 11, he repeatedly stated that nothing in her behavior suggested that Adams couldn't drive safely that night.

Adams, 46, of Angola, who had been mentioned over the summer as a possible judicial candidate, was arrested on a charge of aggravated DWI on Sept. 2 in the Town of Hamburg.

She pleaded not guilty during her arraignment, and stands accused of having a blood-alcohol content of 0.19 percent after her arrest.

Four sources in Buffalo's legal community previously told The

Judge says Adams seemed sober

JUDGE • from D1

Buffalo News it was unusual for a judge to file written information in another judge's case, especially before the defendant is arraigned.

It's more common for witnesses to make statements after police contact them and ask them what happened in a case. But while unusual, filing such an affidavit isn't necessarily improper, those sources emphasized.

In his affidavit, Makowski stated he had been with Adams from 2 to 5 p.m. that day on a professional basis. He then met with her from 5:30 to 7:15 p.m. at Shanghai Red's restaurant to talk about changes Adams was considering for a University at Buffalo Law School program.

While they were at the waterfront restaurant together, he stated, she ordered two glasses

of wine and a glass of water with lime.

Makowski also stated that there was nothing in her speech, gait or mannerisms that raised his concerns about her ability to drive that evening.

They left the restaurant in separate vehicles.

A Town of Hamburg police officer said he pulled her vehicle over at about 7:45 p.m. that night on Route 5, after he saw her Ford Thunderbird convertible weaving from lane to lane, nearly striking a guardrail, according to town police reports.

In his affidavit, Makowski suggested that Adams' behavior that night was more consistent with the results of a blood-alcohol test administered by Adams' own physician about two hours after her arrest. The doctor filed an affidavit saying that her blood-alcohol content was less than 0.01 percent.

Based on that figure, Ma-

kowski wrote that he believes any trial would result in her acquittal.

"Ms. Adams has a 20-year, high-profile career as both a prosecutor and defense attorney," Makowski wrote in his affidavit. "She also holds a full-time faculty position at UB Law School. These charges, even if resulting in an acquittal, would seriously damage her reputation in the community and future professional prospects. For these reasons, I believe a dismissal in the interests of justice is warranted."

Investigators for the commission are asking local officials about Makowski's contention that the charges should be dismissed and about his friendship with Adams, sources say.

e-mail: rmccarthy@buffnews.com

e-mail: gwarner@buffnews.com

6 Conboy Letter 11-3-2008

8168 Hillside Street
Evans, NY 14006-9765
November 3, 2008

Mr. Russell T. Ippolito
Assistant Attorney General In-Charge
New York State Office of Attorney General
Main Place Tower, Suite 300A
350 Main Street
Buffalo, New York 14202

Dear Mr. Ippolito:

The purpose of this letter is to present a complaint in regards to the inappropriate actions of the Town of Evans Assessor Jeanne Chase Ebersole against me, as a private citizen, the details of which I present here.

Through out the Town of Evans Real Property Reassessment Program I had been a vocal citizen critical of the process. Both prior to and even after September 4, 2008 I was, and remain, very vocal and very public with my criticism of the Town of Evans Assessor. This included, but not limited to Public Addresses to the Evans Town Board and e-mails to the Town of Evans Supervisor and the Town of Evans Town Board. I have been diligent in referring to State and Local Laws when publicly complaining about the flawed process the Town of Evans undertook. Nothing that I have said has been proven incorrect.

On September 4, 2008 I assisted in the presentation in a Small Claims Assessment Review for the property owners Roger and Mary Ann Hartzel. This was scheduled in the office of Attorney George Faust at 3:30 P.M.

On September 5, 2008 my boss, Charles A. Sickler, came to my desk. This was after my quitting time, but I was still in the office. He informed me that he had a Voice Message on his County cell phone with the time approximately 5:15 P.M. on September 4, 2008. The message was from Jeannie Chase Ebersole, Assessor for the Town of Evans. He further informed me that he returned the call about 6:30 P.M. that evening.

My boss told me that the Town of Evans Assessor was unhappy with my public criticism of her qualifications and criticism of her ability to perform her duties as the Town of Evans Assessor. My boss also told me that Jeannie Chase Ebersole had asked him to have a discussion with me concerning my attitude and method of criticizing her. My boss explained to me that his manner was to be more friendly and calm when addressing situations. He noted that my attitude seemed more adversarial.

There was additional discussion, but this summarizes what the situation was concerning the Town Assessor calling by boss to discuss my personnel Property Assessment problem and the Town's Assessor's unhappiness with my public criticism of her qualifications and work results.

Sincerely,



Edward J. Conboy, Jr.

6.1 Conboy Assessment Notes

If your reassessment doubled, your taxes stayed about the same. Ed Conboy's assessment increased by 266.55%! This translated into a very large tax increase. Using data obtained in Microsoft Excel format, you can lookup Ed Conboy's 2008 assessment on my website, the TownOfEvans.com. [[Click Here](#)]

Nota Bene: Evans Assessor Chase Ebersole, on day one of her duties as the Evans assessor, was also serving as an elected member of the Eric County Legislature. [[Click Here](#)]

7 2008 Town of Evans Reassessment

In 2008, the Town of Evans conducted a town wide reassessment.

7.1 Reassessment Notes

Town officials told property owners that reassessment was necessary since the current assessment was over two (2) decades previous and that all property owners should have a "fair market value" assessment. Market value is generally defined as the price a willing buyer would pay a willing seller for a property in its present condition with neither buyer nor seller under pressure to act (such as career relocation, death of a family member, divorce, etc.). In most cases, the market value listed on the roll should equal roughly the price for which you could sell your property.

Reassessment was a multi-step process:

- 1) Property owners were assigned a "tentative" 2008 assessment.
- 2) Property owners were given an opportunity to challenge their tentative assessment.
- 3) Property owners were assigned a "final" 2008 assessment.

4) Property owners still not happy with their "final" assessment could:

A) Argue their case before the Board of Assessment Review (BAR) [[Click Here](#)] or

B) Argue their case before the Small Claims Assessment Review (SCAR) [[Click Here](#)]

The Small Claims Assessment Review is a procedure that provides property owners with an opportunity to challenge the assessment on their real property as determined by the Board of Assessment Review. Properties include two (2) assessment values: Land & Building.

7.2 Reassessment Losers

As a "freeholder", I knew my reassessments would not be favorable. Reassessment used five (5) similar properties to determine a "fair market value". The five (5) comparable's for one of my rentals located on a dirt road were lakefront and lakeview properties. Gar Associates, the company hired to do the residential appraisals, used a computer program to select the five (5) comparable properties and calculate a tentative 2008 assessment. The "only" way my rental could have five lakefront/lakeview properties as comparables is if someone manually edited my data record.

7.3 Reassessment of 206 West Taft

The assessment of my rental was \$42,000 in 2007. The tentative assessment was \$99,000. After challenging my assessment, the final assessment was reduced by \$35,000 to \$64,000.

Property Information	Assessment Information / Group Information	Comparables	History	Links D	
Edward G. III Schneider - 206 Taft Ave - 250.09-3-63.1					
SBL Number	Year	Owner	Land	Building	Total
250.09-3-63.1	2016 (July 1st)	Schneider, Edward G	5,300	58,700	64,000
250.09-3-63.1	2015 (July 1st)	Schneider, Edward G	5,300	58,700	64,000
250.09-3-63.1	2014 (July 1st)	Schneider, Edward G.	5,300	58,700	64,000
250.09-3-63.1	2013 (July 1st)	Schneider Edward G I	5,300	58,700	64,000
250.09-3-63.1	2012 (July 1st)	Schneider Edward G I	5,300	58,700	64,000
250.09-3-63.1	2011 (July 1st)	Schneider, Edward G	5,300	58,700	64,000
250.09-3-63.1	2010 (July 1st)	Schneider, Edward G	5,300	58,700	64,000
250.09-3-63.1	2009 (July 1st)	Schneider III, Edwar	5,300	58,700	64,000
250.09-3-63.1	2008 Final	Schneider, Edward	5,300	58,700	64,000
250.09-3-63.1	2008 Tentative	Schneider, Edward	21,600	77,400	99,000
250.09-3-63.1	2007	Schneider, Edward	7,900	34,100	42,000

7.4 Derby Sunoco

Those that spoke out about problems in local government put a big target on their backs. Charles Militello, the owner of the Derby, NY Sunoco is one of many examples. Evans assessor, Jeanie Chase, reassessed the Sunoco and all commercial properties. Even though there were five (5) other gas stations in town that should have been used as comparables, the four (4) pump Sunoco had a twenty-two (22) pump gas station near the Buffalo Airport as a comparable. Militello hired a lawyer to fight his assessment. It took a few years to reach a solution.

In 2009, Militello took the town to court to block the sale of the Derby Veterans Park.

7.4.1 Rambling 8-20-2009

ANGOLA PENNYSAYER AUGUST 2, 2009

REPLY TO SUPERVISOR'S COLUMN

Last weeks supervisor's column on the proposed sale of North Park was as destructive to the concept of open government as Pordum's 3 minute timer and metal detectors at town board meetings. Pordum states: *"I personally did not receive any calls from concerned citizens."* Well then, it certainly sounds to me like the uproar is confined to the inside of town hall! Does the supervisor think that the residents obtaining petition signatures are of lower character than a politician and that the 800 residents that signed the petition regarding North Park are idiots? Mr. Pordum did not question the intelligence of any of these 800 residents that may have signed his election petition. Don't these 800 residents sign over part of their paychecks in the form of taxes to pay Mr. Pordum's two salaries?

Why does Pordum repeatedly refer to the parcel as "Park Avenue"? He used that name in the original town resolution, the legal notice and again in his recent column. There is no street named "Park Avenue" in the Town of Evans! Fran Pordum gambled that a rambling would not be published to set the record straight and he lost! The supervisor failed to mention that North Park has a high pressure water line to supply the fire hall and an underground storm sewer. That's why the 2004 town board determined it could not be sold. Pordum also failed to mention that the proposed buyer recently purchased an adjoining 30 foot wide lot for \$20,000 but he voted to sell the 50 foot wide North Park parcel for \$6,000!

Here's an outline of the proposed sale: On the 5-6-09 agenda, Resolution #8 listed *"Sale of paper street"*. The town clerk refused to provide copies of the resolution before the meeting. When Pordum read the resolution, the paper street named was Park Avenue. He was quickly corrected by the town attorney and re-read the resolution to also include the correct name, North Park. These facts are indisputable as I have obtained a copy of the audio recording of the meeting. The board voted 5 to 0 to approve the sale. No one represented the residents! The resolution allowed for a permissive referendum to challenge the sale. Using a court tested petition as a template, a petition was written using the same description the town used in the resolution and legal notice with the following heading:

PETITION TO STOP SALE OF NORTH PARK (ADJACENT TO DERBY VETERAN'S PARK)

After obtaining the signatures of 800 residents, the petitions were filed with the town clerk. Margaret Manning, Pordum's personal secretary, filed a State Supreme Court action against Charles Milletello (myself), the Evans Town Clerk and the Town of Evans itself which, as noted, is her employer! Curiously, a copy of Manning's receipt obtained from the County Clerk lists the Town of Evans three times. Did Evans taxpayers contribute to her cause? Will Manning make public a copy of her canceled check to prove she paid the \$305 in filing fees? Did she take personal days to go downtown to file papers and go to court? On 7-8-2009, the matter was in court. Why did town attorney Grant Zajas sit at the side of PLAINTIFF Manning during the court session? His long time client, the Town of Evans was a CO-DEFENDANT in her action! Grant, wasn't that a conflict of interest? In short, Manning's court action was denied. She testified she was confused by the petition's wording. The court basically said the wording was the same used in the resolution and legal notice.

The Derby Veteran's Park is the oldest park in Evans. It was rededicated as a veteran's park in 1952. The oldest land maps of the Highland area show the site as a "PARK". The parcel that the town intends to sell has been used as a park for several decades! State law says that if it's used as a park then it is a park. Mr. Pordum, removing the picnic tables and garbage can makes you look petty and foolish.

I'd like to say that my only involvement is to represent the veterans that gave their lives for our freedom. Mr. Pordum, whom are you representing?

Now, in accordance with NYS Election Law, I'm requesting that the Town Clerk and Fran Pordum take the necessary steps to schedule the referendum and let a vote of Evans residents decide this issue.

As always you can call or email me at CPM6742@aol.com.

Charles P. Milletello
Charles P. Milletello

LET THE PEOPLE VOTE!
PAID FOR BY CHARLES MILTELLO

7.4.2 Derby Veterans Park

Town officials claimed in court documents that this was a paper street and not an active park.



7.4.3 If It Walks Like A Duck

The Town of Evans took a magic eraser to the zoning map and changed the Park designation to Community Facility. They assumed this would exempt these parcels from the NYS Parks Alienation Law. The Public Trust Doctrine has always, without exception, protected parkland.

NYMIR :: RECREATION AND RISK HANDBOOK

IF IT WALKS LIKE A DUCK. . .

Improvements consisting of public ski trails, ski practice slopes, ski tows, toboggan slides, bob runs, bridle paths and winter sports facilities constitute public parks or playgrounds.³⁰ Bicycle paths have been considered park facilities.³¹ An abandoned right of way used as a recreational trail constitutes a park facility.³²

Authorities have taken differing views when it comes to golf courses. One court described a golf course as a place for pleasure, recreation, athletics and amusement, as well as (in some instances) a place for health, education and instruction.³³

The Office of the State Comptroller has opined that the purposes served by a municipally owned golf course are so quintessentially those of a park that it is difficult to conceive of another separate and distinct purpose which could be served by the ownership of a golf course.³⁴

However, at least one court has found that the use of a city golf course—which the city purchased, maintains, and operates with city funds for the use of city residents—may be restricted to the use of city residents only. There, the court supported the city's representations that the facilities were insufficient to accommodate residents of the city and to permit, in addition thereto, use by others who are nonresidents and that the city found it necessary to restrict the use of the facilities to residents, to promote their health, comfort, convenience and welfare, and to avoid excessive congestion which would result in a breakdown of the facilities, and a deterioration thereof.³⁵

³⁰ *Rivet v. Burdick*, *supra*.

³¹ 1987 Op. St. Compt. 87-22, p. 36.

³² 1992 Op. St. Compt. 92-49, p. 120.

³³ *Cross v. County of Westchester*, 206 N.Y.S.2d 902 (N.Y. Sup. 1960).

³⁴ 1982 Op. St. Compt. 255, p. 319.

³⁵ *Schreiber v. City of Rye*, 53 Misc. 2d 259, 278 N.Y.S.2d 527 (1967).

7.4.4 Reassessment Winners

In 2008, all residential & commercial property owners were assigned a "tentative" assessment. Residents that challenged their "tentative" assessment were almost always given a minimum reduction of at least \$1,000. In sales terminology, this is called overcoming objections. If you did not challenge your assessment, your "tentative" assessment became your "final" assessment.

Your assessment would determine your property and school taxes for years. If you felt your assessment was too low, human nature would be to keep quiet and leave your money in the bank.

But what happens when a town elected official's assessment is so low it would cause an uproar? You raise the elected official's assessment! Here is proof.

7.4.4.1 8991 Iroquois

In 2007, 8991 Iroquois was the personal residence of Deputy Supervisor Karen Erickson. Her "final" assessment was increased by \$30,000. An assessment challenge required comparable properties to justify an assessment reduction. 8991 Iroquois was a very good comparable property for many other property owners even after the \$30,000 increase. Some will call this an "outlier" example. However, the next example will debunk that claim.

Nota Bene: The Microsoft Excel file with the 2008 Town of Evans tentative assessment data was used to display the screen shot below.

Here is the link:

[http://townofevans.com/Reassessment2008_list.php?q=\(Streetname~contains~Iroquois\)\(StreetNumber~contains~8991\)](http://townofevans.com/Reassessment2008_list.php?q=(Streetname~contains~Iroquois)(StreetNumber~contains~8991))

Owner	Land 2008	Building 2008	Assessment 2008		Tentative - 2007
Street Number ↑	Land2007	Building2007	Assessment 2007		% Change 2007 Tentative
Streetname ↑			Change 07-08	% Change 07-08	
SBL Number					
	Land Tentative	Building Tentative	Tentative Assessment		
	Final (Current) Assessment		Final - Tentative	% Change Tentative Final	
Erickson, Karen	\$13,000.00	\$167,000.00	\$180,000.00		\$63,500
8991	\$7,500.00	\$79,000.00	\$86,500.00		173.41%
Iroquois			\$93,500	208.09%	
234.16-4-15					
	\$13,005.00	\$136,994.00	\$150,000.00		
			\$30,000	120.00%	

7.4.5 Board of Assessment Review Winners

All property owners, in any year, can go before the Board of Assessment Review. To be fair to all property owners, each individual property must have a honest fair market value assessment.

7.4.5.1 8080B Lake Shore Road

In 2014, then former deputy supervisor Karen Erickson purchased the lakeview property at 8080B Lake Shore Road. This was a property Gar Associates valued at \$254,000 then reduced to \$210,000. In 2009, the Board of Assessment Review gave the previous owner another \$15,000 reduction to \$195,000. In 2014, the Board of Assessment Review gave Karen Erickson a \$95,000 assessment reduction to \$100,000. Karen Erickson, as deputy supervisor, voted to appoint several members serving on the Board of Assessment Review. I am not a lawyer and I can not offer a legal opinion but is this a conflict of interest?

Nota Bene: The information displayed below was created with assessment data imported into a Windows program from a Microsoft Excel file.

Karen A Erickson - 8880B Lake Shore Rd - 234.16-2-16					
SBL Number	Year	Owner	Land	Building	Total
234.16-2-16	2015 (July 1st)	Erickson, Karen A	83,700	16,300	100,000
234.16-2-16	2014 (July 1st)	Erickson, Karen A.	83,700	16,300	100,000
234.16-2-16	2013 (July 1st)	Plotkin Mary Virgini	83,700	111,300	195,000
234.16-2-16	2012 (July 1st)	Plotkin Mary Virgini	83,700	111,300	195,000
234.16-2-16	2011 (July 1st)	Plotkin, Mary Virgin	83,700	111,300	195,000
234.16-2-16	2010 (July 1st)	Plotkin, Mary Virgin	83,700	111,300	195,000
234.16-2-16	2009 (July 1st)	Plotkin, Mary Virgin	83,700	111,300	195,000
234.16-2-16	2008 Final	Plotkin, Mary Virgin	83,700	126,300	210,000
234.16-2-16	2008 Tentative	Plotkin, Mary Virgin			254,000
234.16-2-16	2007	Plotkin, Mary Virgin	3,900	94,100	98,000

7.4.5.2 8794 Lake Shore Road

9794 Lake Shore Road is an example of how politics crept into the Town of Evans reassessment process. The adjoining property at 9898 Lake Shore Road was owned by former Town of Evans Supervisor Paul Garvin. Using the assessment data in Microsoft Excel format, I wrote a Windows program that calculated a suggested assessment based on up to five (5) other "comparable" properties.

The Smith land value was \$17.10 per sq. ft.
The Garvin land value was \$8.37 per sq. ft.

The Smith building value was \$48.58 per sq. ft.
The Garvin building value was \$19.73 per sq. ft.

On comparable properties, how can the disparity be so significant?

If Bill Miller was assessed as was Paul Garvin, his assessment would have been \$144,676 and not \$315,000!

8 FOIL Quest: Assessment Data Excel Format

I have obtained the Town of Evans assessment data in Microsoft Excel since 2007. In 2019, I sent an email to the town's assessor requesting the 2019 assessment data in Excel Format. The assessor would create the file and send it to me via an email attachment. After receiving my email, the assessor exported the file and sent to me as an email attachment 4 days later! In 2020, Evans Supervisor Mary Hosler changed past town policy and required a Freedom Of Information Law (FOIL) request for the data. At that point in time, the Town of Evans denied all requests every year going forward. Mary Hosler, the town's FOIL Appeal Officer, denied all appeals for the data.

Below, beginning in 2018, are my quests to obtained the Town of Evans assessment data in Microsoft Excel format.

8.1 2023: 2023 Assessment Data

FOIL Letter & Email Chains For The 2023 Assessment Data

8.1.1 2023: 2023 Assessment Data

Edward G. Schneider III
9575 Redwing Street
Angola, New York 14006
(716) 549-7283

RECEIVED

JUL 06 2023

Lynn M. Krajacic
Town Clerk
Town of Evans

Saturday, July 1st, 2023

Re: Freedom of Information Law Request

To: Records Access Officer:

Pursuant to the Freedom of Information Law ("FOIL"), I hereby request the following records:

1. 2023 Final Assessment Roll In Microsoft Excel Format (.xls or .xlsx) or .CSV (Comma Separated Values)
2. The data fields requested are, including but not limited to:
 - a. swis
 - b. print_key
 - c. asmt_acres
 - d. asmt_depth
 - e. asmt_front
 - f. land_av
 - g. total_av
 - h. full_market_value
 - i. prop_class
 - j. sch_code
 - k. loc_st_nbr
 - l. loc_st_name
 - m. cnty_taxable
 - n. muni_taxable
 - o. sch_taxable
 - p. primary_owner

If no records exist responsive to the above request(s), I hereby request a certification to that effect. For records produced in response to the above request(s), I hereby request a certification that the record(s) produced are correct.

I am requesting that these records be produced in electronic format and e-mailed to me. If certain records cannot be produced through e-mail, please describe the reason why and advise me of the cost for reproducing those records. If records are too voluminous to transmit through e-mail, I will consent to the transmission of those records on a storage device (e.g., CD-ROM, flash drive, etc) and will pay the cost of such storage device.

If my request is too broad or does not reasonably describe the records, please contact me via email so that I may clarify my request, and when appropriate inform me of the manner in which records are filed, retrieved or generated (see 21 NYCRR 1401.2).

Pursuant to Public Officers Law § 89 (3), within five business days of the receipt of this request, you must grant the request, deny the request in writing, providing a response for the reasoning of its denial, or

provide a date certain when such a response will be provided. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name, address and e-mail address of the person or body to whom an appeal should be directed.

Please feel free to contact the undersigned with any inquiries you may have.

Very truly yours,



Edward G. Schneider III

FN: FOIL-2023-07-01-Assessment-Data.wpd

ATTACHMENT A

Below, for your reference, is a screen shot of the Excel File containing the 2018 Town of Evans Assessment Data I received from Evans Assessor Jeneen Hill.

Quattro Pro 2021 - [C:\Assessment Data\2018 Assessment data with land.xlsx (unmodified)]

File Edit View Insert Format Tools Window Help

Calibri 11 B I U #%

2018 Assessment dat... @ () X ✓ swis

	A	B	C	D	E	F	G	H	I
1	swis	print_key	asmt_acres	asmt_depth	asmt_front	land_av	total_av	full_market_value	prop_class
2	144489	207.00-3-54	73.61	0	1418.41	64800	64800	74500	322
3	144489	207.00-3-60.1	17.7	0	785.6	48000	121800	140000	240

J	K	L	M	N	O	P
sch_code	loc_st_nbr	loc_st_name	cnty_taxable	muni_taxable	sch_taxable	primary_owner
144401		Versailles	64800	64800	64800	Ogus, Laura A
144401	7349	Versailles	121800	121800	121800	Edward L Dzanis Trust

8.1.2 FOIL Request Letter Revised 7-8-2023

Edward G. Schneider III

9575 Redwing Street
Angola, New York 14006
(716) 549-7283

RECEIVED

JUL 10 2023

Lynn M. Krajacic
Town Clerk
Town of Evans

Saturday, July 8, 2023

Re: Freedom of Information Law Request

To: Records Access Officer:

Upon review of my FOIL for the 2023 assessment data in Microsoft Excel Format in a letter dated 7/1/2023 and date stamped as received by the town clerk on 7/6/2023, I found typos which were corrected and are attached in an updated FOIL letter dated 7/8/2023.

Since the 7/1/2023 FOIL includes the following paragraph, "*If my request is too broad or does not reasonably describe the records, please contact me via email so that I may clarify my request, and when appropriate inform me of the manner in which records are filed, retrieved or generated (see 21 NYCRR 1401.2).*", I am providing the Town of Evans an updated FOIL request to clarify and questions the town may have concerning the 7/1/2023 FOIL request.

Please feel free to contact the undersigned with any inquiries you may have.

Very truly yours,



Edward G. Schneider III

FN: FOIL-2023-07-08-Amended-FOIL.wpd

Edward G. Schneider III

9575 Redwing Street
Angola, New York 14006
(716) 549-7283

RECEIVED

JUL 10 2023

Lynn M. Krajacic
Town Clerk
Town of Evans

Saturday, July 8, 2023

Re: Freedom of Information Law Request

To: Records Access Officer:

Pursuant to the Freedom of Information Law ("FOIL"), I hereby request the following records:

2022 Final Assessment Roll custom report in Microsoft Excel Format (.xls or .xlsx) or .CSV (Comma Separated Values) with the following data fields:

swis
print_key
asmt_acres
asmt_depth
asmt_front
land_av
total_av
full_market_value
prop_class
sch_code
loc_st_nbr
loc_st_name
cnty_taxable
muni_taxable
sch_taxable
primary_owner

To the extent you are unable to prepare a custom report with the following above data fields, then I am willing to take as many of the above-mentioned fields as you can process. To the extent you are having difficulty processing the above, pursuant to 21 NYCRR 1401.2[b][2], I am requesting that you contact me to indicate the manner in which you are able to generate as much of the above mentioned categories.

If no records exist responsive to the above request(s), I hereby request a certification to that effect (21 NYCRR 1401.2[7]). For records produced in response to the above request(s), I hereby request a certification that the record(s) are a true copy (21 NYCRR 1401.2 [6]).

I am requesting that these records be produced in electronic format and e-mailed to me. If certain records cannot be produced through e-mail, please describe the reason why and advise me of the cost for reproducing those records. If records are too voluminous to transmit through e-mail, I will consent to the transmission of those records on a storage device (e.g., CD-ROM, flash drive, etc) and will pay the cost of such storage device.

If my request is too broad or does not reasonably describe the records, please contact me via email so

that I may clarify my request, and when appropriate inform me of the manner in which records are filed, retrieved or generated (see 21 NYCRR 1401.2).

Pursuant to Public Officers Law § 89 (3), within five business days of the receipt of this request, you must grant the request, deny the request in writing, providing a response for the reasoning of its denial, or provide a date certain when such a response will be provided. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name, address and e-mail address of the person or body to whom an appeal should be directed.

Please feel free to contact the undersigned with any inquiries you may have.

Very truly yours,



Edward G. Schneider III

FN: FOIL-2023-07-08-2023-Assessment-Data-Revised.wpd

8.1.3 FOIL Request Letter Revised 7-28-2023

Edward G. Schneider III

9575 Redwing Street
Angola, New York 14006
(716) 549-7283

RECEIVED

JUL 28 2023

Lynn M. Krajacic
Town Clerk
Town of Evans

Friday, July 28, 2023

Re: Freedom of Information Law Request

To: Records Access Officer:

Pursuant to the Freedom of Information Law ("FOIL"), I hereby request the following records:

2023 Final Assessment Roll custom report in Microsoft Excel Format (.xls or .xlsx) or .CSV (Comma Separated Values) with the following data fields:

swis
print_key
asmt_acres
asmt_depth
asmt_front
land_av
total_av
full_market_value
prop_class
sch_code
loc_st_nbr
loc_st_name
cnty_taxable
muni_taxable
sch_taxable
primary_owner

To the extent you are unable to prepare a custom report with the following above data fields, then I am willing to take as many of the above-mentioned fields as you can process. To the extent you are having difficulty processing the above, pursuant to 21 NYCRR 1401.2[b][2], I am requesting that you contact me to indicate the manner in which you are able to generate as much of the above mentioned categories.

If no records exist responsive to the above request(s), I hereby request a certification to that effect (21 NYCRR 1401.2[7]). For records produced in response to the above request(s), I hereby request a certification that the record(s) are a true copy (21 NYCRR 1401.2 [6]).

I am requesting that these records be produced in electronic format and e-mailed to me. If certain records cannot be produced through e-mail, please describe the reason why and advise me of the cost for reproducing those records. If records are too voluminous to transmit through e-mail, I will consent to the transmission of those records on a storage device (e.g., CD-ROM, flash drive, etc) and will pay the cost of such storage device.

If my request is too broad or does not reasonably describe the records, please contact me via email so

that I may clarify my request, and when appropriate inform me of the manner in which records are filed, retrieved or generated (see 21 NYCRR 1401.2).

Pursuant to Public Officers Law § 89 (3), within five business days of the receipt of this request, you must grant the request, deny the request in writing, providing a response for the reasoning of its denial, or provide a date certain when such a response will be provided. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name, address and e-mail address of the person or body to whom an appeal should be directed.

Please feel free to contact the undersigned with any inquiries you may have.

Very truly yours,

Edward G. Schneider III

FN: FOIL-2023-07-28-Assessment-Data-Revised.wpd

ATTACHMENT A

Below, for your reference, is a screen shot of the Excel File containing the 2018 Town of Evans Assessment Data I received from Evans Assessor Jeneen Hill.

Quattro Pro 2021 - [C:\Assessment Data\2018 Assessment data with land.xlsx (unmodified)]

File Edit View Insert Format Tools Window Help

Calibri 11 B I U ABC Normal

2018 Assessment data @ SWIS

	A	B	C	D	E	F	G	H	I
1	swis	print_key	asmt_acres	asmt_depth	asmt_front	land_av	total_av	full_market_value	prop_class
2	144489	207.00-3-64	73.61	0	1418.41	64800	64800	74500	322
3	144489	207.00-3-60.1	17.7	0	785.6	48000	121800	140000	240

J	K	L	M	N	O	P
sch_code	loc_st_nbr	loc_st_name	cnty_taxable	muni_taxable	sch_taxable	primary_owner
144401		Versailles	64800	64800	64800	Ogus, Laura A.
144401	7349	Versailles	121800	121800	121800	Edward L Dzanis Trust

8.1.4 FOIL Request Appeal Letter 8-4-2023

Edward G. Schneider III
9575 Redwing Street
Angola, New York 14006
(716) 549-7283

RECEIVED
AUG 04 2023
SUPERVISOR'S
OFFICE,

Friday, August 4, 2023

Deputy Supervisor Tom George / Town of Evans Designated FOIL Appeals Officer
8787 Erie Road,
Angola, New York 14006

Re: FOIL Appeal

Deputy Supervisor Tom George:

Please allow this to serve as an appeal of my FOIL request dated July 8, 2023, concerning the retainer agreement and invoices from an outside law firm.

In your correspondence dated August 2, 2023, there is no reason provided for any redactions and/or withholdings. In fact, a review of your August 2, 2023, response appears to show that the request was granted in its entirety. However, a review of some of the records provided clearly indicates that redactions were made. As such, there is no basis provided for those redactions and there is no way one is able to ascertain whether any records are being withheld. Denials under FOIL require "a particularized and specific justification for such denial," which is not present in your correspondence.

The request also sought a certification that all records produced were correct, which was not provided.

The FOIL request submitted sought the retainer agreement between the town and law firm. However, the same was not provided and no reason was provided for its non-inclusion. Attorneys are required to have a retainer agreement or letter of engagement in order to undertake this kind of work. And if no records exist responsive to this request, then the same needs to be stated. My request specifically sought a certification to that effect.

With regard to the invoices, there was only one invoice provided and that was for December 2022. The invoice supplied clearly has redactions made. However, there is no reason provided for these redactions. And although some redactions may be made to this invoice, there is no reason for a blanket denial. For example, an attorney entering time for appearing at a court conference would not require a redaction. In further example, a time entry for a "telephone call" without more would be properly disclosable.

In addition, although the case at issue has been active for almost a year now, it does not appear to be accurate that there is only one invoice in your possession. I note that there is an obligation on the part of the town to get these invoices directly from the law firm if they are in possession of them (87 NY2d 410 [1995]). To the extent you are not in possession of records, the same needs to be stated and a certification to that effect needs to be provided.

Your response also failed to apprise me of my right to appeal your decision, as well as to identify the name, title, business address, and business telephone number of the person to whom an appeal should be addressed (21 NYCRR 1401.7[b]). As such, please forward this appeal to the appropriate individual.

I remind you of your obligation to provide me with a response within 10 business days and to transmit

a copy of your response to my appeal to the Committee on Open Government.

Please contact me with any further inquiries.

Should you have any questions regarding this appeal please do not hesitate to contact me by email or by calling (716) 549-7283.

Very truly yours,



Edward G. Schneider III

FN: FOIL-Appeal-2023-08-04-Legal-Fees.wpd

8.1.5 FOIL Filled Letter 8-25-2023

**TOWN OF EVANS**

8787 Erie Road • Angola, NY 14006-9600

LYNN M. KRAJACIC, TOWN CLERK

Telephone (716) 549-8787

08/25/2023

Edward Schneider III

9575 Redwing St
Angola, NY 14006

RE: FOIL Reference #2023-037
2023 Final Assessment roll in Microsoft Excel Format with Data Fields

FREEDOM OF INFORMATION- REQUEST PARTIALLY FILLED

08/25/2023

Dear Edward Schneider III,

In response to your request on 07/28/2023 for the above records, our office was able to partially fill your request for the following reason(s):

For 2023 records produced in RPSV4 as a custom reports, said custom report is missing 3 data fields, therefore the Town cannot provide the requested certification that the report is a "true copy" of all data specifically requested. Attached are the data fields I was able to retrieve in attempting to produce the custom report requested, specifically a custom report with 13 of the 16 fields requested which includes all parcels.

Attached you will find the information we were able to provide.

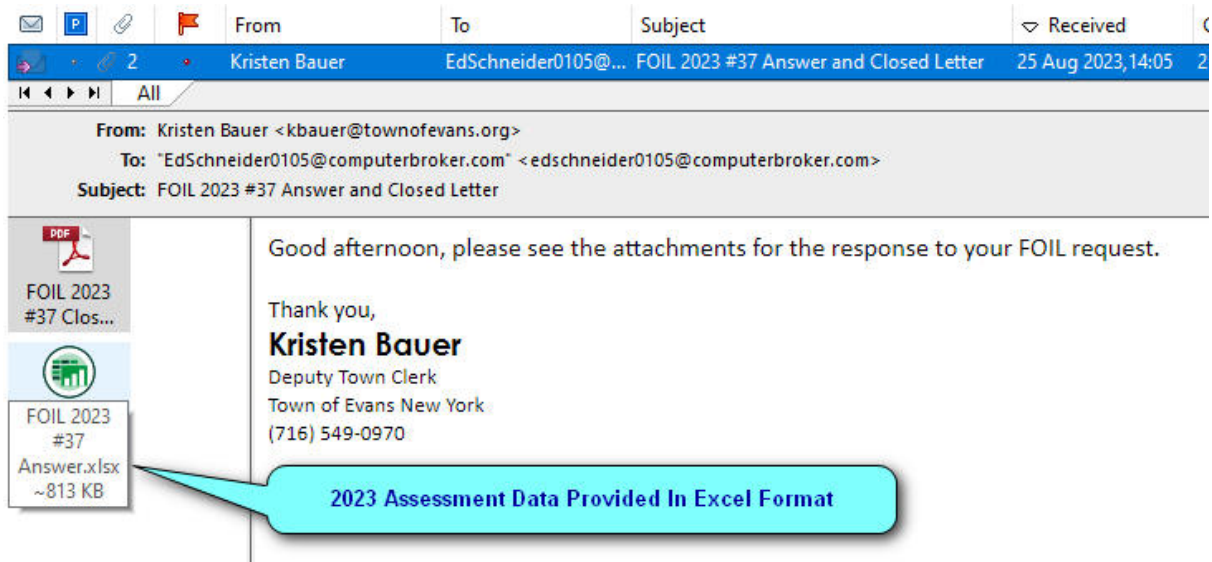
I am now considering your request closed. The Freedom of Information Appeals Officer for the Town of Evans is the Town of Evans Supervisor. Should you need to file an appeal, you may do so in writing within 30 days of the denial to the Town of Evans Supervisor, 8787 Erie Road, Angola NY 14006.

If you have any questions, or require further information, please do not hesitate to contact me.

Sincerely,

Lynn M. Krajacic, RMC
Town Clerk
Records Access Officer

8.1.6 FOIL Email With Excel File 8-25-2023



8.2 2023: 2022 Assessment Data

FOIL Letter & Email Chains For The 2022 Assessment Data In 2023 After 2022 Denial

My attorney rewrote the FOIL Request Letter and the FOIL was resubmitted to the Town of Evans.

8.2.1 FOIL Request Letter 2-10-2023

Edward G. Schneider III

9575 Redwing Street
Angola, New York 14006
(716) 549-7283

RECEIVED

FEB 13 2023

Lynn M. Krajacic
Town Clerk
Town of Evans

Friday, February 10, 2023

Re: Freedom of Information Law Request

To: Records Access Officer:

Pursuant to the Freedom of Information Law ("FOIL"), I hereby request the following records:

1. 2022 Final Assessment Roll custom report in Microsoft Excel Format (.xls or .xlsx) or .CSV (Comma Separated Values) with the following data fields:

- a. swis
- b. print_key
- c. asmt_acres
- d. asmt_depth
- e. asmt_front
- f. land_av
- g. total_av
- h. full_market_value
- i. prop_class
- j. sch_code
- k. loc_st_nbr
- l. loc_st_name
- m. cnty_taxable
- n. muni_taxable
- o. sch_taxable
- p. primary_owner

To the extent you are unable to prepare a custom report with the following above data fields, then I am willing to take as many of the above-mentioned fields as you can process. To the extent you are having difficulty processing the above, pursuant to 21 NYCRR 1401.2[b][2], I am requesting that you contact me to indicate the manner in which you are able to generate as much of the above mentioned categories.

If no records exist responsive to the above request(s), I hereby request a certification to that effect (21 NYCRR 1401.2[7]). For records produced in response to the above request(s), I hereby request a certification that the record(s) are a true copy (21 NYCRR 1401.2 [6]).

I am requesting that these records be produced in electronic format and e-mailed to me. If certain records cannot be produced through e-mail, please describe the reason why and advise me of the cost for reproducing those records. If records are too voluminous to transmit through e-mail, I will consent to the transmission of those records on a storage device (e.g., CD-ROM, flash drive, etc) and will pay the cost of such storage device.

If my request is too broad or does not reasonably describe the records, please contact me via email so that I may clarify my request, and when appropriate inform me of the manner in which records are filed, retrieved or generated (see 21 NYCRR 1401.2).

Pursuant to Public Officers Law § 89 (3), within five business days of the receipt of this request, you must grant the request, deny the request in writing, providing a response for the reasoning of its denial, or provide a date certain when such a response will be provided. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name, address and e-mail address of the person or body to whom an appeal should be directed.

Please feel free to contact the undersigned with any inquiries you may have.

Very truly yours,



Edward G. Schneider III

FN: FOIL-2023-02-10-Assessment-Data.wpd

ATTACHMENT A

Below, for your reference, is a screen shot of the Excel File containing the 2018 Town of Evans Assessment Data I received from Evans Assessor Jeneen Hill.

Quattro Pro 2021 - [C:\Assessment Data\2018 Assessment data with land.xlsx (unmodified)]

File Edit View Insert Format Tools Window Help

Calibri 11 B I U

2018 Assessment dat @ BWS

	A	B	C	D	E	F	G	H	I
1	sw's	print key	asmt acres	asmt depth	asmt front	land av	total av	full market value	prop class
2	144489	207.00-3-64	73.61	0	1419.41	64800	64800	74300	322
3	144489	207.00-3-60.1	17.7	0	785.6	48000	121800	140000	240

J	K	L	M	N	O	P
sch_code	loc_st_nbr	loc_st_name	cnty_taxable	muni_taxable	sch_taxable	primary_owner
144401		Versailles	64800	64800	64800	Ogus, Laura A
144401	7349	Versailles	121800	121800	121800	Edward L Dzianis Trust

8.2.2 FOIL Response Letter 3-13-2023'**TOWN OF EVANS**

8787 Erie Road • Angola, NY 14006-9600

LYNN M. KRAJACIC, TOWN CLERK

Telephone (716) 549-8787

02/13/2023

Edward Schneider III

9575 Redwing St
Angola, NY 14006RE: FOIL Reference #2023-002
2022 Final Assessment Roll**FREEDOM OF INFORMATION- ACKNOWLEDGEMENT LETTER**

Dear Edward Schneider III:

Your FOIL request dated 02/13/2023 was received by the Town of Evans on 02/13/2023. The request is being reviewed and an attempt to respond within approximately 30 days and response times may be longer than expected due to logistics issues created by the Covid-19 pandemic.

Access to the records, in whole or part, will be determined in accordance with Article 89 section 5 of the Freedom of Information Law.

Once the research has been completed, I will notify you of the results of the records search and, if necessary, set a time and date for pick up of copies if available.

Pursuant to FOIL, a fee of \$.25 per page for photocopies not exceeding 9'x14' will be charged. All other fees will be based on the material requested. You may make an appointment to view the records prior to copying to avoid cumbersome fees.

Thank you in advance for your cooperation. If you have any questions, or require further information, please do not hesitate to contact me.

Sincerely,

Lynn M. Krajacic, RMC
Town Clerk
Records Access Officer
Town of Evans

8.2.3 FOIL Appeal Letter 3-12-2023**Edward G. Schneider III**9575 Redwing Street
Angola, New York 14006
(716) 549-7283

Sunday, March 12, 2023

Supervisor Mary K. Hosler or Designated FOIL Appeals Officer
8787 Erie Road,
Angola, New York 14006

Re: FOIL Appeal

Please allow this correspondence to serve as an appeal of the Town of Evans' Freedom of Information Law ("FOIL") denial of my FOIL request dated February 10, 2023. For the reasons set forth herein, the appeal should be granted.

In a sworn affidavit of Jeneen Hill, it was noted that an RPSV4 "Custom Report" could be prepared by "pulling select data specifically identified and then convert[ing] said specified data from the RPS database to an Excel format" (Index No. 811855/2022, Doc. # 20). In my FOIL request, I specifically requested a custom report and provided a list of applicable categories. Curiously, however, the entirety of the FOIL request was denied.

Pursuant to 21 NYCRR § 1401.2[b][2], which was cited in my FOIL request, the Records Access Officer failed to contact me to assist me in the request. Although the Records Access Officer denied the request for not being reasonably described, I specifically sought her assistance in identifying just how many of the fields could be produced. However, to date, other than her denying my request in its entirety, she has not contacted me. Such conduct is in violation of FOIL (see FOIL-AO-16340 ["It does not appear that an effort was made by the [agency] to assist you in reasonably describing the records of your interest."]). Your response to my appeal is due within 10 business days of this date. As a reminder, I note that you must transmit your decision to the Committee on Open Government (21 NYCRR § 1401.7 [g]).

Should you have any questions regarding this appeal please do not hesitate to contact me by email or by calling (716) 549-7283.

Very truly yours,

Edward G. Schneider III

FN: FOIL-Appeal-2023-03-12-Assessment-Data.wpd

8.2.4 FOIL Denial Letter 3-22-2023

**TOWN OF EVANS**

8787 Erie Road • Angola, New York 14006-9600
www.townofevans.org

JEANNE M. MACKO
COUNCILWOMAN

LAURIE H. REITZ
COUNCILWOMAN

THOMAS S. GEORGE, DEPUTY SUPERVISOR
Telephone: (716) 549-5787

MICHAEL R. SCHRAFT
COUNCILMAN

March 22, 2023

Mr. Edward G. Schneider III
9575 Redwing Street
Angola, NY 14006

Dear Mr. Schneider:

In response to your appeal dated March 12, 2023 and received by the Town Clerk on March 13, 2023:

It is noted that Public Officers Law 89(3) states, "When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, it shall be required to do so."

It is also noted that you requested a certification for any records produced that the records are a true copy.

As advised by the Town Clerk in its response, attempts to use the RPS system to provide a custom report with the fields listed in your FOIL request were unsuccessful. Further, the town contacted an outside consultant who advises that its attempts to generate the requested custom report were also unsuccessful.

Therefore, the Town responded that it is not in possession of records responsive to your request. Based upon the unsuccessful attempts of the town and their consultant to produce the entire custom report requested, the Town does not have the ability to retrieve or extract the custom report you requested from the records/data maintained in the New York State RPS system with reasonable effort. The Town also advised that the entire 2022 assessment roll is available on the town's website in PDF format.

Regarding your request for 'as much as possible' of the custom report, the Town Clerk stated that this request does not sufficiently identify the records you are requesting to enable the Town to provide an appropriate response pursuant to FOIL. However, the FOIL Officer is available to assist you to clarify your request, assist you to identify the records sought, and when appropriate, indicate the manner in which the records are filed, retrieved or generated. If you wish such assistance, please contact the FOIL officer within the next five (5) business days.

Following discussions with COOG, the FOIL officer will provide the portion of the data the Town was able to retrieve in attempting to produce the custom report you requested, specifically a custom report with 13 of the 16 fields requested which includes all parcels.

Accordingly, the appeal of the town's determination regarding your request for a custom report with specified fields **is denied**, except for the portion of the data the Town was able to retrieve as further addressed above.

Sincerely,

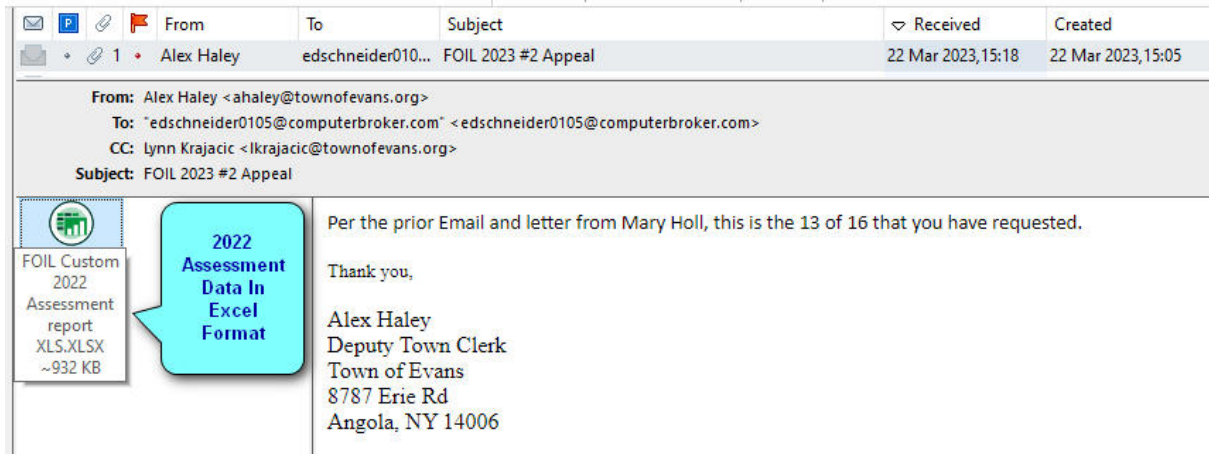
Thomas S. George
Deputy Supervisor

cc: Evans Town Clerk/Foil Officer



8.2.5 FOIL Email With Excel File 3-22-2023

After multiple emails and letters claiming town could not export assessment data to an Excel file, the data is provided as an email attachment. **It is interesting to note that on the same date, 3-22-2023, the Town of Evans both denied and provided the assessment data as an Excel file.**



8.2.6 FOIL Consultant Letter 4-19-2023

**TOWN OF EVANS**

8787 Erie Road • Angola, NY 14006-9600

LYNN M. KRAJACIC, TOWN CLERK

Telephone (716) 549-8787

04/19/2023

Edward Schneider III

9575 Redwing St
Angola, NY 14006

RE: FOIL Reference #
 Copies of Communication from Outside consultant

FREEDOM OF INFORMATION-REQUEST FILLED

04/19/2023

Dear Edward Schneider III,

The Freedom of Information records request that you submitted to Town of Evans as referenced above has been filled.

After attempting to run the requested 16 fields unsuccessfully in the requested custom report, I reached out to Bob Hutchinson for input. We both were unsuccessful retrieving the requested data. The custom report feature loading data fields to compile the report will not pull data after 2019 roll.

The invoice was not paid nor submitted for payment due to the inability to produce a report. As of today your request is being considered closed.

If you have any questions, or require further information, please do not hesitate to contact me.

Sincerely,

Lynn M. Krajacic, RMC
Town Clerk
Records Access Officer
Town of Evans

8.3 2022 Assessment Data

Letter & Email Chains For OIL For 2022 Assessment Data

8.3.1 FOIL Request Letter 7-1-2022

Edward G. Schneider III

9575 Redwing Street
Angola, New York 14006
(716) 549-7283

Friday, July 1, 2022

TO: Freedom of Information Officer of the Town of Evans

This request is made pursuant to the New York State Freedom of Information Law (FOIL), found in Article 6 of the Public Officers Law, and the Federal Freedom of Information Act (FOIA) found at 5 U.S.C. § 552 and in the provisions of 29 CFR § 70.1. I will pay any reasonable fees required by law. Please respond to this request within the number of business days as required by the above-referenced statutes. If any portion of my request is denied, please inform me in writing of the reasons for the denial, together with the name and address of the person or body to whom an appeal should be directed. Also, if any portion of any document is deemed confidential or exempt from disclosure, we request that any severable, public portion be provided.

REQUESTED DOCUMENTS

RE: 2022 Assessment Data Exported To An Excel File

I am requesting that all assessment data fields be exported to the Excel file.

NOTE: NYS COOG opinion (See <https://docs.dos.ny.gov/coog/ftext/fl7754.html>) allows for request of Excel file)

Additionally, in a decision that cited Brownstone, it was held that: "[a]n agency which maintains in a computer format information sought by a F.O.I.L. request may be compelled to comply with the request to transfer information to computer disks or tape" (Samuel v. Mace, Supreme Court, Monroe County, December 11, 1992). That decision involved a request for a school district wide mailing list in the form of computer generated mailing labels. Since the district had the ability to generate the labels, the court ordered it to do so.

For the purposes of these requests, "records" shall mean any information kept, held, filed, produced or reproduced by, with or for the Town Of Evans, in any physical, electronic or digital form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photographs, videotapes, films, microfilms, digital files, email, computer tapes or discs, regulations, or codes. Additionally, I am requesting that the Town Of Evans preserve the requested items for use in any future litigation.

If any expenses in excess of \$0.25 per copy or a total cost of \$5.00 are incurred in connection with this request, please obtain my approval before any charges are incurred.

Should you have any questions regarding this request, please do not hesitate to contact me by email or by calling 549-7283.

Very truly yours,

Edward G. Schneider III

FN: FOIL-2022-07-01-Assessment-Data.wpd

RECEIVED

JUL 01 2022

Lynn M. Krajacic
Town Clerk
Town of Evans

8.3.2 FOIL Acknowledgement 7-1-2022



TOWN OF EVANS

8787 Erie Road • Angola, NY 14006-9600

LYNN M. KRAJACIC, TOWN CLERK

Telephone (716) 549-8787

07/01/2022

Edward Schneider

9575 Redwing Street
Angola, NY 14006

RE: FOIL Reference #2022-035
Assessor
n/a

FREEDOM OF INFORMATION- ACKNOWLEDGEMENT LETTER

Dear Edward Schneider:

Your FOIL request dated 07/01/2022 was received by the Town of Evans on 07/01/2022. The request is being reviewed and an attempt to respond within approximately 30 days and response times may be longer than expected due to logistics issues created by the Covid-19 pandemic.

Access to the records, in whole or part, will be determined in accordance with Article 89 section 5 of the Freedom of Information Law.

Once the research has been completed, I will notify you of the results of the records search and, if necessary, set a time and date for pick up of copies if available.

Pursuant to FOIL, a fee of \$.25 per page for photocopies not exceeding 9"x14" will be charged. All other fees will be based on the material requested. You may make an appointment to view the records prior to copying to avoid cumbersome fees.

Thank you in advance for your cooperation. If you have any questions, or require further information, please do not hesitate to contact me.

Sincerely,

Lynn M. Krajacic, RMC
Town Clerk
Records Access Officer
Town of Evans

8.3.3 FOIL Letter Filled 7-25-2022



TOWN OF EVANS

8787 Erie Road • Angola, NY 14006-9600

LYNN M. KRAJACIC, TOWN CLERK

Telephone (716) 549-8787

07/25/2022

Edward Schneider

9575 Redwing Street
Angola, NY 14006

RE: FOIL Reference #2022-035
Assessor
n/a

FREEDOM OF INFORMATION-REQUEST FILLED

07/25/2022

Dear Edward Schneider,

The Freedom of Information records request that you submitted to Town of Evans as referenced above has been filled.

As of today your request is being considered closed.

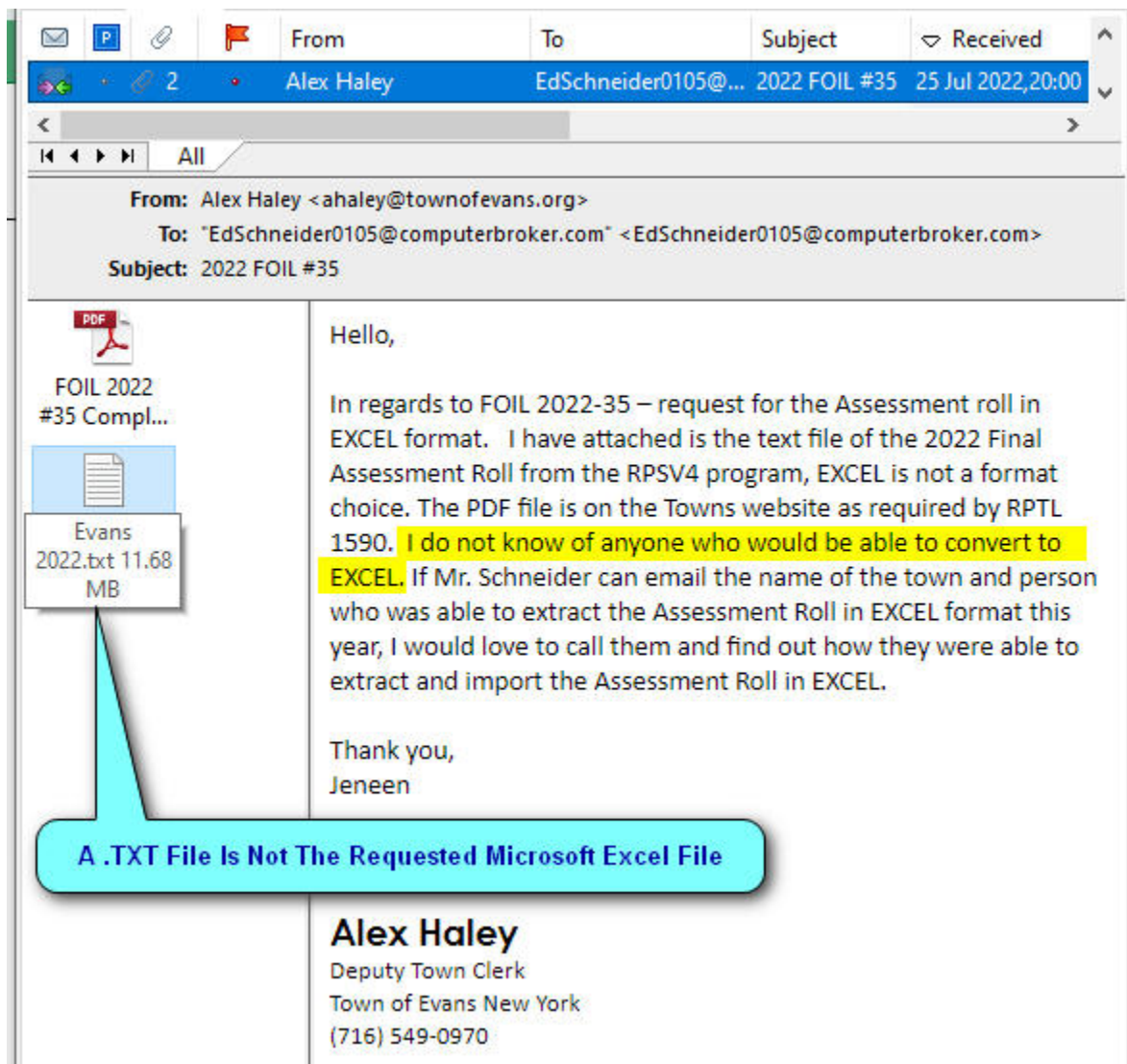
If you have any questions, or require further information, please do not hesitate to contact me.

Sincerely,

Lynn M. Krajacic, RMC
Town Clerk
Records Access Officer
Town of Evans

8.3.3.1 FOIL Email With Text File 7-25-2022

The Town of Evans provided a .txt file which is more commonly used for printing purposes. A Microsoft Excel file was requested since it can be used to import data into a database.



8.3.3.1.1 Assessors Emails

	From	To	Subject	Received	Created
	Jeneen Hill	Ed Schneider	RE: 2020 Assessment Data	15 Jul 2020,9:59	15 Jul 2020,9:55
	Jeneen Hill	Ed Schneider	RE: 2019 Assessment Data	23 Jul 2019,11:27	23 Jul 2019,9:42
	Jeneen Hill	Ed Schneider	RE: 745 Beach Road	8 Apr 2019,9:25	8 Apr 2019,9:13
	Jeneen Hill	'Ed Schneider'	RE: ?	28 Oct 2018,8:59	5 Sep 2018,15:40
	Jeneen Hill	'Ed Schneider'	RE: ?	20 Oct 2018,11:12	5 Sep 2018,15:40
	Jeneen Hill	'Ed Schneider'	RE: ?	13 Oct 2018,14:37	5 Sep 2018,15:40
	Jeneen Hill	'Ed Schneider'	RE: ?	17 Sep 2018,15:12	5 Sep 2018,15:40
	Jeneen Hill	'Ed Schneider'	RE: ?	15 Sep 2018,9:55	5 Sep 2018,15:40
	Jeneen Hill	'Ed Schneider'	RE: ?	6 Sep 2018,2:20	5 Sep 2018,15:40
4	Jeneen Hill	'Ed Schneider'	RE: Assessment Data	19 Aug 2018,11:31	23 Jul 2018,9:22
4	Jeneen Hill	'Ed Schneider'	RE: Assessment Data	23 Jul 2018,9:27	23 Jul 2018,9:22
	Jeneen Hill	'Ed Schneider'	RE: Assessment Data	16 Jul 2018,16:14	16 Jul 2018,16:07
4	Jeneen Hill	'Ed Schneider'	RE: Assessment Data	16 Jul 2018,15:29	16 Jul 2018,15:22
3	Jeneen Hill	'Ed Schneider'; 'Lynn Krajacic, Evans To...	RE: Assessment Data	12 Jul 2018,12:42	12 Jul 2018,12:33
	Jeneen Hill	'Ed Schneider'	RE: 1048 Eden Evans Center Road	8 Jan 2018,9:23	8 Jan 2018,9:12

From: "Jeneen Hill" <jhill@townofevans.org>
To: "Ed Schneider" <EdSchneider0105@computerbroker.com>
Subject: RE: Assessment Data

Ed,
 I recreated the report and added land. Deed date and sale date are the same on our file.

Thanks
 Jeneen

From: Ed Schneider [mailto:EdSchneider0105@computerbroker.com]
Sent: Thursday, July 19, 2018 12:44 PM
To: Jeneen Hill
Subject: Re: Assessment Data

Hi Jeneen,

This is the file I'm looking for with the additional 4 fields.

From: "Jeneen Hill" <jhill@townofevans.org>
To: "Ed Schneider" <EdSchneider0105@computerbroker.com>
CC: "Lynn Krajacic, Evans Town Clerk" <lkrajacic@townofevans.org>
Subject: RE: Assessment Data

Message.ht 3 KB 2018 Assessme... assessment data sales 2018 Assessment data.xlsx ~822 KB

Looking for this file with the additional 4 fields

8.3.3.1.2 FOIL Appeal Letter 8-18-2022

Edward G. Schneider III

9575 Redwing Street
Angola, New York 14006
(716) 549-7283



Thursday, August 18, 2022

Town of Evans FOIL Appeal Officer Supervisor Mary Hosler
8787 Erie Road
Angola, NY 14006

RE: Appeal of denied FOIL #35 For Assessment Data In A Computer Readable Microsoft Excel File

Dear Supervisor Hosler:

For many years, Evans assessor Jeneen McSkimming Hill has provided me with the town's assessment data in a Microsoft Excel readable file. Included as Attachment #1 is an email documenting her sending the data files via email. (2018 to 2020)

In an email dated 7-25-2022 from Deputy Town Clerk Alex Haley, (See Attachments #2) the assessor states that she does not know how to create an Excel file and does not know anyone that could. The assessor is the president of the New York State Assessors Association Executive Board, (See Attachments #3 & #4) an association that offers Excel training (See Attachments #3 & #4). I find these statements difficult to believe.

Additionally, the assessor states the town has complied with NYS RPTL 1590 by posting assessment data online in a PDF file. The term "PDF" does not appear in RPTL 1590. RPTL 1590 c 3 requires that "data files" be submitted to the commissioner. On the assumption that the commissioner isn't manually entering data from a PDF file, it's a safe to assume the town is sending digital files.

On 10-13-2020, Mary Holl, the assistant to Supervisor Hosler, received an email from Kristin O'Neill, NYS COOG (See Attachment #5) regarding NYS Section 87(5)(a) of FOIL law states that records "*shall*" be provided in the requested format. NYS Section 87(3)(a) of FOIL law states denials must be "*fully explained*". O'Neill's concluded that Supervisor Hosler has done neither. The FOIL denial letter (7-25-2022) (See Attachment #6) (Received 8-16-2022) inaccurately states the FOIL has been filled since the assessment data was not provided in the requested Excel file format.

I am formally appealing the town's decision not to provide assessment data in a computer readable Microsoft Excel file. Additionally, if this appeal is denied, I am requesting that the denial be fully explained as required by state FOIL law.

Should you have any questions regarding this appeal please do not hesitate to contact me by email or by calling 549-7283.

Very truly yours,

Edward G. Schneider III

FN: FOIL-Appeal-2022-08-18-FOIL-#35-Assessment-Data.wpd

8.3.3.1.3 FOIL Appeal Letter Response 2022

FOIL Appeal Officer / Town of Evans Supervisor Mary Hosler did not answer the FOIL Appeal Letter.

8.4 2021 Assessment Data

Letter & Email Chains For FOIL For 2021 Assessment Data

8.4.1 FOIL Request Letter 7-1-2021

Edward G. Schneider III9575 Redwing Street
Angola, New York 14006
(716) 549-7283**RECEIVED**

JUL - 1 2021

Lynn M. Krajacic
Town Clerk
Town of Evans

Thursday, July 1, 2021

TO: Freedom of Information Officer of the Town of Evans

This request is made pursuant to the New York State Freedom of Information Law (FOIL), found in Article 6 of the Public Officers Law, and the Federal Freedom of Information Act (FOIA) found at 5 U.S.C. § 552 and in the provisions of 29 CFR § 70.1. I will pay any reasonable fees required by law. Please respond to this request within the number of business days as required by the above-referenced statutes. If any portion of my request is denied, please inform me in writing of the reasons for the denial, together with the name and address of the person or body to whom an appeal should be directed. Also, if any portion of any document is deemed confidential or exempt from disclosure, we request that any severable, public portion be provided.

REQUESTED DOCUMENTS

RE: 2021-2022 Assessment Data Exported To An Excel File

I am requesting that all assessment data fields be exported to the Excel file.

NOTE: NYS COOG opinion (See <https://docs.dos.ny.gov/coog/ftext/fl7754.html>) allows for request of Excel file)

Additionally, in a decision that cited *Brownstone*, it was held that: "[a]n agency which maintains in a computer format information sought by a F.O.I.L. request may be compelled to comply with the request to transfer information to computer disks or tape" (*Samuel v. Mace*, Supreme Court, Monroe County, December 11, 1992). That decision involved a request for a school district wide mailing list in the form of computer generated mailing labels. Since the district had the ability to generate the labels, the court ordered it to do so.

For the purposes of these requests, "records" shall mean any information kept, held, filed, produced or reproduced by, with or for the Town Of Evans, in any physical, electronic or digital form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photographs, videotapes, films, microfilms, digital files, email, computer tapes or discs, regulations, or codes. Additionally, I am requesting that the Town Of Evans preserve the requested items for use in any future litigation.

If any expenses in excess of \$0.25 per copy or a total cost of \$5.00 are incurred in connection with this request, please obtain my approval before any charges are incurred.

Should you have any questions regarding this request, please do not hesitate to contact me by email or by calling 549-7283.

Very truly yours,



Edward G. Schneider III

FN: FOIL-2021-07-01-Assessment-Data.wpd

8.4.2 Letter To Town Board 08-04-2021**Edward G. Schneider III**

9575 Redwing Street
Angola, New York 14006
(716) 549-7283

EdSchneider0105@computerbroker.com

RECEIVED**JUL - 1 2021**

Lynn M. Krajacic
Town Clerk
Town of Evans

Thursday, July 1, 2021

Supervisor Mary Hosler
Councilman Michael Schraft
Councilman Thomas George
Assessor Jeneen M. Hill
Town of Evans Town Attorney Kenneth Farrell
Evans Town Hall
8787 Erie Road
Angola, NY 14006

RE: FOIL: 2021-2022 Assessment Data

Last year, my FOIL for assessment data exported to a Microsoft Excel file was denied in violation of state law. I have received the data as an Excel file since 2007. (See Attachment #1) The stated reasons were:

1. Assessor's computer was broke.
2. Assessor can not export the data to Excel (even though she did the export in previous years).

Since any device (smart phone, tablet, and computer) that can access the internet is capable of accessing the data with a valid User and Password, this stated reason for the denial is at best a very poor excuse.

As for in ability to export to Excel, I FOILD the assessment data as an Excel file from other towns in Erie County. Not to my surprise, I received other town's data as an Excel file. I then established that the **SAME SOFTWARE** used by Evans was used to create the Excel file.

Additional investigation revealed the New York State Office of Real Property Services offers a training schedule that includes a continuing education course titled "**RPS V4 Reports and Excel**". (See Attachment #2)

I also contacted NYS COOG. The law does require the town to provide the assessment data in the format (Excel) that I requested.

The Town of Evans has a very poor track record of providing documents requested under the Freedom of Information Law. Please follow the law and provide me with the assessment data in an Excel file.

Sincerely;



Ed Schneider

FN: TOE-Town-Attorney-Town-Board-2021-07-01-Assessment-Foil-Cover-Letter.wpd

8.4.3 FOIL Denial Letter 08-04-2021

**TOWN OF EVANS**

8787 Erie Road • Angola, NY 14006-9600

LYNN M. KRAJACIC, TOWN CLERK

Telephone (716) 549-8787

08/04/2021

Edward Schneider III

9575 Redwing St
Angola, NY 14006**RE: FOIL Reference #2021-050
 Assessment****FREEDOM OF INFORMATION-REQUEST FILLED**

08/04/2021

Dear Edward Schneider III,

The Freedom of Information records request that you submitted to Town of Evans as referenced above has been filled.

The document you have requested is on file on the Town's website townofevans.org . The Town is not in possession of the file format responsive to your request. As of today your request is being considered closed.

If you have any questions, or require further information, please do not hesitate to contact me.

Sincerely,

Lynn M. Krajacic, RMC
Town Clerk
Records Access Officer
Town of Evans

8.4.4 FOIL Appeal Letter 08-06-2021

Edward G. Schneider III

9575 Redwing Street
Angola, New York 14006
(716) 549-7283



Friday, August 6, 2021

Town of Evans FOIL Appeal Officer / Supervisor Mary Hosler
8787 Erie Road
Angola, NY 14006

RE: Appeal of denied FOIL for Assessment Data in Microsoft Excel format.

Dear Supervisor Hosler:

In a letter dated 8-4-2021 from the Evans Town Clerk, I was informed that my request for the 2021-2022 assessment data in Microsoft Excel format was being denied for the second year in a row.

NYS law, as described in the attached opinion letter by the NYS COOG, clearly outlines why the town is clearly violating state law by denying the assessment data in Excel format. Creating the Excel takes only a few minutes.

Additionally, the town's FOIL process is significantly flawed as this appeal, as provided for in state law, is being addressed to the person that denied the original FOIL.

I am requesting that Evans Supervisor Mary Hosler release the assessment data in Microsoft Excel format as required by state law.

Also attached is a screen shot of emails from the town's assessor that include assessment data in Excel format.

You would think that a supervisor that had the police removed a resident from the Town Hall during a public meeting for speaking from a seat in violation of Robert's Rule of Order would demonstrate a greater respect for state law.

Your denial of my FOIL request is petty politics at its worst.

Should you have any questions regarding this appeal please do not hesitate to contact me by email or by calling 549-7283.

Very truly yours,

Edward G. Schneider III

FN: FOIL-Appeal-2021-08-06-Assessment-Daa-In-Excel-Format.wpd

8.4.5 FOIL Appeal Letter Response 2021

FOIL Appeal Officer / Town of Evans Supervisor Mary Hosler did not answer the FOIL Appeal Letter.

8.5 2020 Assessment Data

Letter & Email Chains For FOIL For 2020 Assessment Data

8.5.1 Email Request 7-15-2020

For many years, up to and including 2019, I would send the Town of Evans assessor an email requesting the assessment data in Excel format. In 2020, I was instructed to send a FOIL request to the Town Clerk.

	From	To	Subject	Received	Created
	Jeneen Hill	Ed Schneider	RE: 2020 Assessment Data	15 Jul 2020,9:59	15 Jul 2020,9:55

From: Jeneen Hill <jhill@townofevans.org> To: Ed Schneider <EdSchneider0105@computerbroker.com> Subject: RE: 2020 Assessment Data
--

Hi Ed,

Please send a FOIL request to Town Clerk so I can release information.

Thanks

Jeneen

From: Ed Schneider <EdSchneider0105@computerbroker.com>
Sent: Tuesday, July 7, 2020 8:36 AM
To: Jeneen Hill <jhill@townofevans.org>
Subject: 2020 Assessment Data

It that time of year again!

I'd like to get the 2020 assessment data in an Excel file.

Please export all fields.

Thanks;

Ed

8.5.2 FOIL Request Letter 7-15-2020

Edward G. Schneider III9575 Redwing Street
Angola, New York 14006
(716) 549-7283

Wednesday, July 15, 2020

TO: Freedom of Information Officer of the Town of Evans

This request is made pursuant to the New York State Freedom of Information Law (FOIL), found in Article 6 of the Public Officers Law, and the Federal Freedom of Information Act (FOIA) found at 5 U.S.C. § 552 and in the provisions of 29 CFR § 70.1. I will pay any reasonable fees required by law. Please respond to this request within the number of business days as required by the above-referenced statutes. If any portion of my request is denied, please inform me in writing of the reasons for the denial, together with the name and address of the person or body to whom an appeal should be directed. Also, if any portion of any document is deemed confidential or exempt from disclosure, we request that any severable, public portion be provided.

REQUESTED DOCUMENTS

RE: 2020-2021 Assessment Data Exported To An Excel File

I am requesting that all assessment data fields be exported to the Excel file.

NOTE: NYS COOG opinion (See <https://docs.dos.ny.gov/coog/ftext/fl7754.html>) allows for request of Excel file)

Additionally, in a decision that cited Brownstone, it was held that: "[a]n agency which maintains in a computer format information sought by a F.O.I.L. request may be compelled to comply with the request to transfer information to computer disks or tape" (Samuel v. Mace, Supreme Court, Monroe County, December 11, 1992). That decision involved a request for a school district wide mailing list in the form of computer generated mailing labels. Since the district had the ability to generate the labels, the court ordered it to do so.

For the purposes of these requests, "records" shall mean any information kept, held, filed, produced or reproduced by, with or for the Town Of Evans, in any physical, electronic or digital form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photographs, videotapes, films, microfilms, digital files, email, computer tapes or discs, regulations, or codes. Additionally, I am requesting that the Town Of Evans preserve the requested items for use in any future litigation.

If any expenses in excess of \$0.25 per copy or a total cost of \$5.00 are incurred in connection with this request, please obtain my approval before any charges are incurred.

Should you have any questions regarding this request, please do not hesitate to contact me by email or by calling 549-7283.

Very truly yours,



Edward G. Schneider III

NY FOIL-2020-07-17-Assessment-Data.pdf

8.5.3 FOIL Denial Letter 9-24-2020

The Town of Evans did not send a formal denial letter in 2020. Two (2) months after requesting the assessment data, I sent the Town Clerk / FOIL Officer an email inquiring as to when I could expect to receive the Excel file. For the first time ever, the Town of Evans claimed the data did not exist in the requested format.

	From	To	Subject	Received	Created
	Lynn Wolf	Ed Schneider, Lynn Krajacic, Jeneen Hill	FOIL 2020 #48	24 Sep 2020, 13:49	24 Sep 2020, 13:49

< >


All

From: Lynn Wolf <lwolf@townofevans.org>
To: Ed Schneider <EdSchneider0105@computerbroker.com>
CC: Lynn Krajacic <lkrajacic@townofevans.org>, Jeneen Hill <jhill@townofevans.org>
Subject: FOIL 2020 #48

Ed,

It does not exist in the format requested so you have been provided the Town's response and you can appeal by contacting the Town Supervisor at supervisor@townofevans.org.

Lynn Wolf
Deputy Town Clerk
Deputy Registrar of Vital Statistics
FOIL Assistant for the Records Officer
Town of Evans
 8787 Erie Road / Angola NY 14006
 716-549-8787
 Fax: 716-217-3595
 Email: lwolf@townofevans.org



CONFIDENTIALITY NOTICE: This email transmission is confidential and is intended only for the person(s) named above. Its contents may also be protected by privilege, and all rights to privilege are expressly claimed and not waived. If you have received this email in error, please call us immediately and destroy the entire email. If this email is not intended for you, any reading, distribution, copying or disclosure of this email is strictly prohibited.

From: Lynn Krajacic
Sent: Monday, September 21, 2020 4:06 PM
To: Lynn Wolf <lwolf@townofevans.org>
Subject: FW: FOIL: assessment data

From: Ed Schneider <EdSchneider0105@computerbroker.com>
Sent: Monday, September 21, 2020 11:57 AM
To: Lynn Krajacic <lkrajacic@townofevans.org>; Lynn Wolf <lwolf@townofevans.org>
Subject: FOIL: assessment data

Lynn / Lynn:

Any word on when the assessment data will be made available as an Excel file?

Ed

After Obtaining the Assessment Data In Microsoft Excel Format For Many Years, In 2020, the Town of Evans Claimed The Data Did Not Exist In The Requested Format

8.5.4 FOIL Appeal Letter 9-30-2020

Edward G. Schneider III

9575 Redwing Street
Angola, New York 14006
(716) 549-7283

Wednesday, September 30, 2020

FOIL Appeal Officer
Supervisor Mary Hosler
8787 Erie Road
Angola, NY 14006

Dear Supervisor Hosler:



On 7-15-2020, I requested documents under the Freedom of Information Law (FOIL) (See Attachment #1) for the 2020 Assessment Data in Excel format. I cited state law that allows me to request the data in Excel Format.

On 9-24-2020, I received an email from the Clerk's Office stating data in Excel format does not exist. See (Attachment #2)

I contacted the New York State Committee On Open Government to verify there was no changes to state law. (See Attachment #3)

Since 2007, I have received the current year's assessment data in Excel format. It is ludicrous to believe that the town can no longer provide the data in Excel format.

I am appealing the decision not to provide the 2020 assessment data in excel format.

Also, I would like to bring to your attention that on December 13, 2017, the New York Legislature amended Section 89(4)(c) of the Public Officers Law to require courts to award attorney's fees upon a successful challenge to the denial of a FOIL request if an agency lacks a reasonable basis for the denial. As set forth in Public Officers Law Section 86(3), an agency includes any state or municipal department or board, as well as public authorities, public corporations and any other governmental entity performing governmental functions.

Since there was no written explanation for a denial of records, I am appealing this denial of records and request these documents be provided.

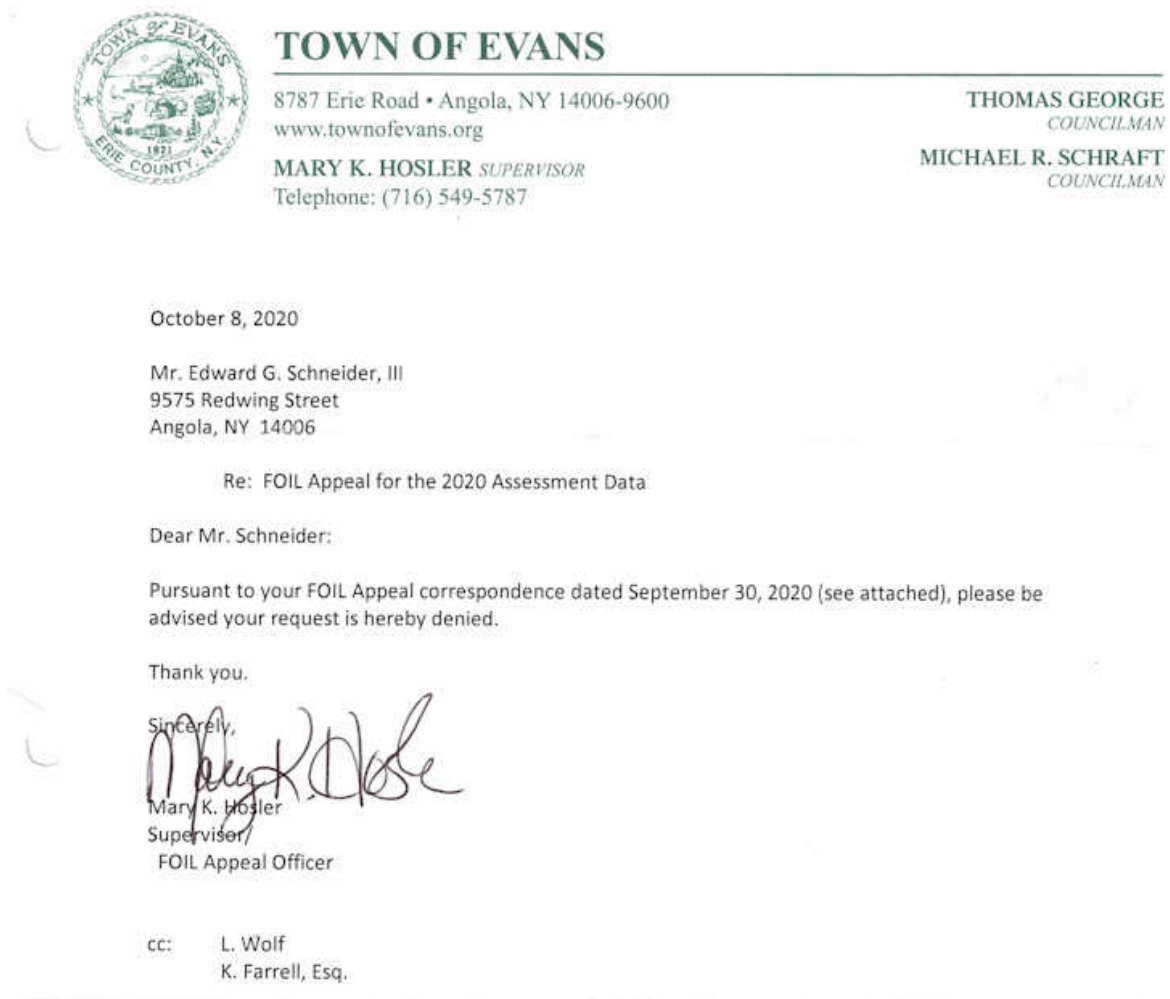
Should you have any questions regarding this appeal please do not hesitate to contact me by email or by calling 549-7283.

Very truly yours,

Edward G. Schneider III

FN: FOIL-Appeal-2020-09-30-Assessment-Data-2020.wpd

8.5.5 FOIL Appeal Denial Letter 10-08-2020



8.6 Town of Hamburg 10-08-2020

After the Town of Evans denial for the assessment data in Excel format, I sent a FOIL to the Town of Hamburg, NY for their town's assessment data in Excel. An Excel file as an email attachment was sent on 10-30-2020.

Options Results Advanced

	From	To	Subject	Received	Created	Size	Folder (long)
1	Brian Wielin...	Ed Schneider	Re: Hamburg Foil	30 Oct 2020,9:44	30 Oct 2020,9:39	23.38...	\\Ed Schneid

< >

All

From: Brian Wielinski <b Wielinski@townofhamburgny.com>
To: Ed Schneider <EdSchneider0105@computerbroker.com>
Subject: Re: Hamburg Foil

Foil Roll 10-26-20.zip
 ~17.05 MB

Hello Ed,
 Please see attached.

Regards,
 Brian Wielinski

From: Ed Schneider <EdSchneider0105@computerbroker.com>
Sent: Wednesday, October 21, 2020 4:04 PM
To: Brian Wielinski <b Wielinski@townofhamburgny.com>
Subject: Re: Hamburg Foil

Hi Brian,

Your software should allow you to export to .xls or .csv.

Attached is an example assessment data file. You can click on either or both files to open and view them.

Ed

Foil Roll 10-26-20.XLS

The .Zip File Contains The Hamburg, NY Assessment Data In Excel Format

The .Zip File Contained The Excel File

Hello Mr. Schneider,
Unfortunately, the only format we have this requested document in is PDF.

Regards,
Brian Wielinski

From: Ed Schneider <EdSchneider0105@computerbroker.com>
Sent: Wednesday, October 21, 2020 2:40 PM
To: Brian Wielinski <bwielinski@townofhamburgny.com>
Subject: Re: Hamburg Foil

Hi Brian,

Thanks for your reply. The link you sent is to a .PDF file.

I'm requesting the data as a Microsoft Excel file (.xls or .xlsx) or as a text file (.csv)




Thanks;

Ed Schneider

Hello Mr. Schneider
I received your foil request and this information can be obtained via our website.
Please see the link below.

<https://www.townofhamburgny.com/wp-content/uploads/2020/07/Hamburg-FR-RPS150P1.pdf>

Regards,
Brian Wielinski

Print |   
HTML ☒ Text

8.7 2019 Assessment Data

Letter & Email Chains For For FOIL For 2019 Assessment Data

2019 was the last year I was able to obtain the town's assessment data without a FOIL request.

Below are the email chains showing the town's assessor providing the data.

8.7.1 Town of Evans Hill To Schneider

From: Jeneen Hill <jhill@townofevans.org>
To: Ed Schneider <EdSchneider0105@computerbroker.com>
Subject: RE: Quick ?

23 Aug 2019, 10:53

23 Aug 2019, 10:50

632 KB

Attached per your request.

From: Ed Schneider <EdSchneider0105@computerbroker.com>
Sent: Monday, August 19, 2019 10:20 AM
To: Jeneen Hill <jhill@townofevans.org>
Subject: Re: Quick ?

I would appreciate it if you could send me the current estimate property value as it was not in either file you send me.

Thanks;

Ed

Monday, August 19, 2019, 10:12:13 AM, you wrote:

Excel creates duplicate columns when it converts the data from RPS; the columns you have circled can be deleted.

From: Ed Schneider <EdSchneider0105@computerbroker.com>
Sent: Wednesday, August 14, 2019 7:59 AM
To: Jeneen Hill <jhill@townofevans.org>
Subject: Quick ?

What does CC_ stand for?

N	O	P	Q	R	S	T
print_key	vlg_taxable	sch_taxable	muni_taxable	cnty_taxable	cc_total_av	cc_co_tax
235.16-1-14	95000	95000	95000	95000	95000	95000
644.001-0000-601.700/1881	55812	55812	55812	55812	55812	55812
644.001-99-601.700/1882	18667	18667	18667	18667	0	0
555.00-14-1.1	0	0	0	0	0	0
251.07-1-15.12	204900	204900	204900	204900	204900	204900
235.15-4-28	82000	82000	82000	82000	82000	82000
235.20-2-7	64000	64000	64000	64000	64000	64000
235.20-1-7	45000	45000	45000	45000	45000	45000
235.20-5.2	80000	80000	80000	52000	80000	52000
235.16-1-14	105000	105000	105000	105000	105000	105000
251.07-3-1.1	2000	2000	2000	2000	2000	2000
251.07-3-2.1	70000	70000	70000	70000	70000	70000

HTML / Text / image001.png / Assessment roll 2019.xlsx

Assessment roll 2019.xlsx
 ~435 KB

I requested the assessment data on 8-19-2019. The assessor exported the data and emailed the Excel file as an attachment four days later.

Shows The Excel File As An Attachment

8.8 2018 Assessment Data

In 2018, an email sent was sent to the Town of Evans assessor Jeneen Hill requesting the 2018 assessment data. The assessor's reply email included the assessment data in Microsoft Excel.

Nota Bene: No FOIL was required to obtain the Excel file.

8.8.1 Town of Evans Hill To Schneider 7-12-2018\

Options Results Advanced

	From	To	Subject	Received	Created	Size	Folder
3	Jeneen Hill	'Ed Schneider...	RE: Assessment Data	12 Jul 2018, 12:42	12 Jul 2018, 12:33	10.10...	\\Ec

< > All

From: "Jeneen Hill" <jhill@townofevans.org>
To: "Ed Schneider" <EdSchneider0105@computerbroker.com>
CC: "Lynn Krajacic, Evans Town Clerk" <lkrajacic@townofevans.org>
Subject: RE: Assessment Data

2018 Assessment data.xlsx ~822 KB

2018 Assessment data sales

2018 Assessment data.xlsx ~822 KB

2018 Assessment Data In Microsoft Excel Format

Ed,

I had to spilt it into 3 different reports.

Thanks,
 Jeneen

From: Ed Schneider [mailto:EdSchneider0105@computerbroker.com]
Sent: Thursday, July 5, 2018 9:20 AM
To: TOE McSkimming, Jeneen
Subject: Assessment Data

Hi Jeneen,

Hope you had a great 4th!

When you get a chance, I'd like to get the 2018 assessment data as a Microsoft Excel file.

Thanks;

Ed

8.8.2 Town of Evans Hill To Schneider 7-23-2018

	From	To	Subject	Received	Created
	Jeneen Hill	Ed Schneider	RE: 2020 Assessment Data	15 Jul 2020,9:59	15 Jul 2020,9:55
	Jeneen Hill	Ed Schneider	RE: 2019 Assessment Data	23 Jul 2019,11:27	23 Jul 2019,9:42
	Jeneen Hill	Ed Schneider	RE: 745 Beach Road	8 Apr 2019,9:25	8 Apr 2019,9:13
	Jeneen Hill	'Ed Schneider'	RE: ?	28 Oct 2018,8:59	5 Sep 2018,15:40
	Jeneen Hill	'Ed Schneider'	RE: ?	20 Oct 2018,11:12	5 Sep 2018,15:40
	Jeneen Hill	'Ed Schneider'	RE: ?	13 Oct 2018,14:37	5 Sep 2018,15:40
	Jeneen Hill	'Ed Schneider'	RE: ?	17 Sep 2018,15:12	5 Sep 2018,15:40
	Jeneen Hill	'Ed Schneider'	RE: ?	15 Sep 2018,9:55	5 Sep 2018,15:40
	Jeneen Hill	'Ed Schneider'	RE: ?	6 Sep 2018,2:20	5 Sep 2018,15:40
4	Jeneen Hill	'Ed Schneider'	RE: Assessment Data	19 Aug 2018,11:31	23 Jul 2018,9:22
4	Jeneen Hill	'Ed Schneider'	RE: Assessment Data	23 Jul 2018,9:27	23 Jul 2018,9:22
	Jeneen Hill	'Ed Schneider'	RE: Assessment Data	16 Jul 2018,16:14	16 Jul 2018,16:07
4	Jeneen Hill	'Ed Schneider'	RE: Assessment Data	16 Jul 2018,15:29	16 Jul 2018,15:22
3	Jeneen Hill	'Ed Schneider'; Lynn Krajacic, Evans To...	RE: Assessment Data	12 Jul 2018,12:42	12 Jul 2018,12:33
	Jeneen Hill	'Ed Schneider'	RE: 1048 Eden Evans Center Road	8 Jan 2018,9:23	8 Jan 2018,9:12

From: "Jeneen Hill" <jhill@townofevans.org>
To: "Ed Schneider" <EdSchneider0105@computerbroker.com>
Subject: RE: Assessment Data

Ed,
 I recreated the report and added land. Deed date and sale date are the same on our file.

Thanks
 Jeneen

From: Ed Schneider [mailto:EdSchneider0105@computerbroker.com]
Sent: Thursday, July 19, 2018 12:44 PM
To: Jeneen Hill
Subject: Re: Assessment Data

Hi Jeneen,

This is the file I'm looking for with the additional 4 fields.

From: "Jeneen Hill" <jhill@townofevans.org>
To: "Ed Schneider" <EdSchneider0105@computerbroker.com>
CC: "Lynn Krajacic, Evans Town Clerk" <lkrajacic@townofevans.org>
Subject: RE: Assessment Data

Message.ht 3 KB 2018 Assessment data sales ... 2018 Assessment data.xlsx ~822 KB

Looking for this file with the additional 4 fields

8.9 Town of Evans FOIL Resolutions

The Town of Evans, via board resolution, names the Town Clerk as the town's FOIL Officer.

The resolutions below, show how requests for documents by the town's council persons must be sent to the supervisor. The town clerk and department heads are directed to comply with this directive.

Resolution #176 - 3-20-2019
 Resolution #98 - 2-5-2020
 Resolution #225 - 6-1-2022

8.9.1 Resolution #176 - 3-20-2019

RESOLUTION 2019 #176 Town Board Members are to be Provided all Documents Requested for Their Duties

RESCINDED
 2020-02-05
 #98
 pg48

Councilman Macko moved and Councilman Schraft seconded

WHEREAS, the Town of Board Legislative body of the Town of Evans. As per NYS Town Law general powers of the Town Board include, but is not limited to, adopting budgets, managing and controlling town finances and town property, establishing policies and procedures, and adopting local laws.

NOW, THEREFORE, BE IT RESOLVED, Town Board Members shall be given any and all documents requested to carry out the duties of their office

Furthermore, a copy of this resolution shall be given to each department head.

VOTE RESULT: ADOPTED BY ROLL CALL

Councilman Macko	Aye
Councilman Schraft	Aye
Supervisor Hosler	Aye

<https://townofevans.org/agendas-recordings-minutes/town-board-minutes-agenda/2019/2019-town-board-minutes/1827-march-20-2019-town-board-minutes/file.html>

Resolution #98 - 2-5-2020
 Resolution #225 - 6-1-2022

8.9.2 Resolution #98 - 2-5-2020**RESOLUTION 2020 #98 Rescind Resolution 2019-176**

Councilman George moved and Supervisor Hosler seconded,

WHEREAS, the resolution 2019-176 was previously adopted on March 20, 2019 to provide documents to Town Board members upon request, to carry out the duties of their office; and

WHEREAS, resolution 2019-176 was overly broad and vague;

NOW, THEREFORE, BE IT RESOLVED, that 2019-176 is hereby rescinded and replaced with the following; and

BE IT FURTHER RESOLVED, upon request directly to the Office of the Town Supervisor, Town Board members shall be provided with a copy of relevant documents, necessary to carry out the

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Town Board Meeting #2

February 5, 2020

duties of their office, as long as such documents are not confidential or fall within a recognized exemption under the Freedom of Information Law; and

BE IT FURTHER RESOLVED, that should such request for documents from a Town Board member not be submitted directly to the Office of the Town Supervisor, the officer or employee receiving such request shall not take any action other than to forward such request directly to the Office of the Town Supervisor.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman George Aye
 Councilman Schraft Nay
 Supervisor Hosler Aye

<https://townofevans.org/agendas-recordings-minutes/town-board-minutes-agenda/2020/2020-town-board-meeting-minutes/2011-february-05-2020-town-board-minutes/file.html>

Resolution #176 - 3-20-2019

Resolution #225 - 6-1-2022

8.9.3 Resolution #225 - 6-1-2022

RESOLUTION 2022 #225 Requirements of Town Board Members to Request Documents through Supervisor's Office

Councilman Schraft moved and Councilman Macko seconded,

WHEREAS, resolution 2020-98 made it required of Town Board members who wanted town documents to perform their duties that a request be made to the Office of the Town Supervisor. It further directed department heads and employees to take no action if a Town Board member requested documents and referred them to the Town Supervisor.

WHEREAS, the Town Board is the legislative body of the Town of Evans. As per NYS Town law, general powers of the Town Board include, but is not limited to, adopting budgets, managing and controlling town finances and town property, establishing policies and procedures, and adopting local laws.

NOW, THEREFORE, BE IT RESOLVED, Resolution 2020-98 is hereby rescinded, and Town Board Members shall be given any and all documents requested to carry out the duties of their office.

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Town Board Meeting #11

June 1, 2022

VOTE RESULT:	ADOPTED BY ROLL CALL	
	Councilman Reitz	Nay
	Councilman Macko	Aye
	Councilman Schraft	Aye
	Councilman George	Nay
	Supervisor Hosler	Nay

<https://townofevans.org/agendas-recordings-minutes/town-board-minutes-agenda/2022-town-board-agendas-minutes-recordings/2022-town-board-meeting-work-session-minutes/2687-town-board-meeting-minutes-june-01-2022/file.html>

Resolution #176 - 3-20-2019

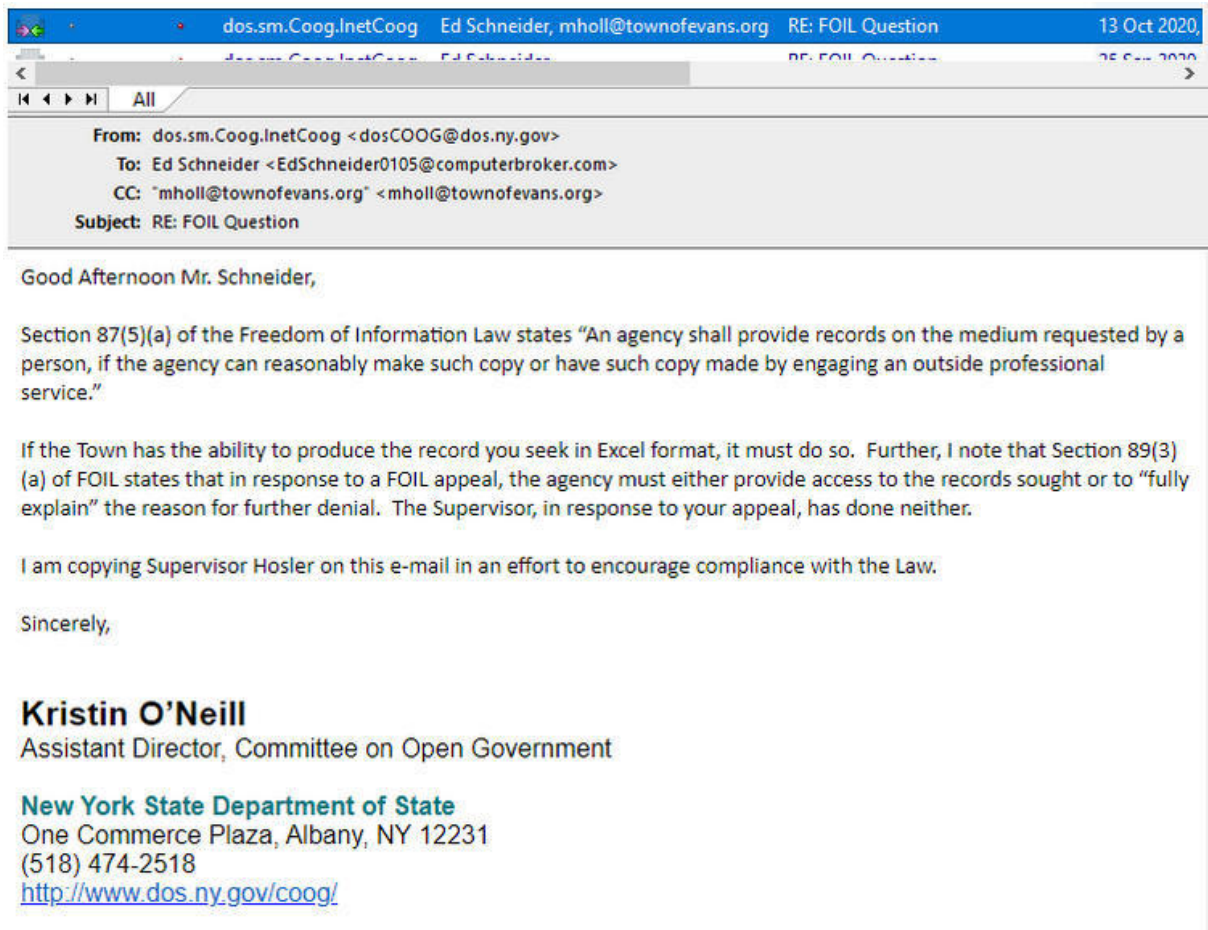
Resolution #98 - 2-5-2020

8.10 NYS COOG

New York State Committee On Open Government.

Evans Supervisor Mary Hosler received an email from the NYS COOG. Since the Town of Evans in previous years had demonstrated that they could export assessment data to Excel, state law required them to provide the data in the requested format.

8.10.1 NYS COOG Email



8.11 NY ORPS

New York Office of Real Property Tax Services [[Click Here](#)]

NY ORPS offers training on Excel.

The Evans assessor, Jeneen Hill, is a past president of the the New York State Assessor's Association Executive Board. Even if she needed help with Excel, I would guess the president of the state association of assessors could find someone to help.

8.11.1 NYS ORPTS Assessor Training

Department of Taxation and Finance

Tax professionals ▼ Real property ▼ Forms and guidance ▼ Tax data ▼

ORPTS training schedule

REGISTER FOR COURSES

- RPS V4 Reports and Excel schedule ▼

<https://www.tax.ny.gov/research/property/assess/training/schedule.htm>

8.11.2 NYS Assessors Association

New York State Assessors Association Executive Board 2021-2022 Executive Board

President Jeneen Hill

Towns of Collins, Evans, North Collins; Erie County

<https://nyassessor.org/executive-board>

8.12 Summary

From 2007 until 2019, I have obtained the Town of Evans' assessment data in Microsoft Excel format. Beginning in 2020, Evans Supervisor Mary Hosler, changed the town's policy and began requiring a FOIL request to obtain the data. Since the town's assessor provided the assessment data in 2019 in Excel format, I must assume that in 2020 she was directed to no longer provide the Excel. Moving forward all FOIL requests were denied. All towns in Erie County, NY used the same assessment software. In 2020, the first year the Excel file was denied, the Town of Hamburg provided its assessment data in Excel format. [For Proof Click Here To Download The Excel File!] The Town of Evans spent hundreds of taxpayer's dollars to hire outside legal to fight providing an Excel File they provided at the end of the day.

[Click Here To Download The 2023 Evans Assessment Data]

In the Town of Evans the system of government is broke. You should have to file for an Article 78 to as a judge to require town officials to follow the law.

8.13 Letters To The Editor

Evans must work harder on being transparent

Gov. Kathy Hochul has committed to improving the Freedom of Information Law (FOIL) process. She has directed agencies to proactively post commonly requested documents online and is allowing agencies to respond to FOIL requests without Executive Chamber review. Over 200 years ago, Patrick Henry said “The liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them.”

In the Town of Evans, the Freedom of Information Law is considered optional. Requested documents, if provided, are often late. Many documents are denied without the required written explanation. On Feb. 5, 2020, the town board passed a resolution requiring elected councilpersons to submit FOIL requests directly to the supervisor and not the town’s FOIL officer.

On March 16, the town board voted down a resolution to rescind that resolution. Denied FOILs can be appealed. In Evans, you appeal to the supervisor. State law allows a court challenge but an Article 78 is expensive. Unfortunately, in New York State, the burden is placed on those making the request and not those improperly denying the documents. FOIL denials should include the name of the person making the determination.

Those denying the documents are defended with taxpayer dollars. I suspect more documents would be provided if those denying documents had to pay their own legal costs if courts ruled that a FOIL denial was improper.

All taxing authorities should be required to proactively post documents showing how taxpayer dollars are spent. This would include reports filed with the NYSOSC and IRS. The state should create an independent agency that has the power to enforce the Freedom of Information Law and not just offer advisory opinions. Transparency is lost when documents are improperly denied.

Makes you wonder what Evans officials are trying to hide.

Edward G. Schneider III

8.14 Last Revision Date

12-20-2024 10:45 AM